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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA, FRESNO DIVISION

DIGNITY NOT DETENTION COALITION
and JOHN DOE,

Petitioners and Plaintiffs,

v.

CITY OF CALIFORNIA CITY and
CORECIVIC, INC.,

Respondents and Defendants.

CORECIVIC, INC.,

Real Party in Interest.

Case No. 1:25-cv-01292-KES-CDB

**OPPOSITION TO PLAINTIFFS' EX
PARTE APPLICATION FOR
TEMPORARY RESTRAINING ORDER
AND ORDER TO SHOW CAUSE RE
PRELIMINARY INJUNCTION**

TRO Application Hearing

Date: November 3, 2025

Time: 1:00 p.m.

Judge: Hon. Kirk E. Sherriff

Crtrm: 6

Trial Date: None Set

**CITY OF CALIFORNIA CITY’S OPPOSITION TO COALITION’S EX PARTE
APPLICATION FOR TEMPORARY RESTRAINING ORDER**

I. INTRODUCTION

Respondent and Defendant City of California City will and hereby does submit the following Memorandum of Points and Authorities in opposition to Petitioners and Plaintiffs Dignity Not Detention Coalition’s and John Doe’s (collectively, the “Coalition”) Ex Parte Application For Temporary Restraining Order And Order To Show Cause Re Preliminary Injunction (“TRO Application”). The City opposes the TRO Application for the following reasons:

- No SB 29-covered permit has issued; and Section 1670.9(d)’s duties arise only upon a permitting event, not “tacit approval,” so the matter is not ripe.
- The first SB 29 hearing is scheduled for October 28, 2025; the City will not issue any SB 29-covered permit absent full compliance, so the requested relief is unnecessary.
- Existing land use approvals authorize a detention/custody use; no new or modified conditional use permit is presently required on this record.
- Enforcement remains discretionary, so the Coalition will not prevail on its mandamus claim.
- The TRO Application relies on generalized, dated assertions; any disputed facts should be addressed on noticed motion with a fuller record.
- The proposed order functions as an “obey-the-law” injunction and fails Rule 65(d)’s specificity requirement.

The requested order would impose an extraordinary, overbroad, and unnecessary injunction based on speculation, incorrect assumptions, and stale facts. The Coalition anchors a substantial portion of their application in Civil Code section 1670.9(d) (“SB 29”). But SB 29’s procedural duties are triggered by the issuance of a permit. No such permit has issued. The Coalition’s effort to recast the City’s alleged “tacit approval” as a permitting event is contrary to the statute’s text and structure. This novel theory should be rejected. SB 29 does not authorize an emergency injunction to police a non-event.

1 SB 29 compliance is also already underway: the City has scheduled the first public hearing
 2 on October 28, 2025, before the City Council, with additional hearing(s) to follow as required. The
 3 City will not issue any SB 29-covered permit related to the facility unless and until SB 29's
 4 notice-and-hearing prerequisites are satisfied. An ex parte injunction is therefore unnecessary to
 5 secure the very process that is already occurring.

6 Further, facility operations appear to remain within existing land use entitlements. The
 7 ongoing use appears to be consistent with uses authorized under existing conditional use permits,
 8 and the City does not anticipate requiring a new conditional use permit or a modification. The
 9 Coalition asks the Court to resolve—on an ex parte record—questions about the scope and
 10 continued effect of historic entitlements, abandonment, and use congruence. They have not carried
 11 their burden. Moreover, these are inherently fact- and code-specific inquiries that should be
 12 addressed on a noticed motion.

13 Finally, the Coalition's alleged harms are not imminent and are not redressable by the
 14 sweeping relief sought against the City. Whatever concerns may exist about conditions inside the
 15 facility, those allegations do not stem from a City permit or from a City decision that SB 29
 16 regulates.

17 The balance of equities and the public interest likewise weigh against ex parte relief.
 18 Preemptively barring the City from “undertaking any actions to expand the Facility or its
 19 operations or to authorize the expansion of the Facility,” without any persuasive showing that the
 20 City violated—or will violate—the law, would insert the court into the ongoing process
 21 unnecessarily. For these reasons, the Court should deny the application as to the City.

22 **II. LEGAL ANALYSIS**

23 **A. Ex parte standard is not met; and the matter should be heard on notice.**

24 This matter should be noticed on the Court's civil law-and-motion calendar under Local
 25 Rules 230 and 231. Temporary restraining orders are granted only in the “most extraordinary of
 26 circumstances.” (E.D. Cal. L.R. 231(a).) The Coalition has not made that showing. Most of the
 27 Coalition's safety assertions are generalized and based on CoreCivic's track record at other
 28 facilities. (See MPA, pp. 8–9.)

1 In addition, its facility-specific safety assertions are stale. (See MPA, p. 10.) The
 2 Coalition’s fire-safety argument relies on the City’s July 22 letter. Presently, the facility has no
 3 pending fire or building violations, and any issue raised by the City’s inspectors was promptly
 4 resolved. (Declaration of Planner Doravari, ¶ 10.) Finally, the asserted extreme-heat risk is
 5 speculative and, at this point in the year, attenuated. (See MPA, p. 11.)

6 Critically, as to the relief requested against the City, the Coalition offers no admissible
 7 showing that (a) the City is poised to issue an approval unlawfully, or (b) issuing any such
 8 approval without complying with SB 29 would create imminent danger beyond process-based
 9 harms (participation/hearing rights) that do not warrant ex parte relief.

10 **B. The Coalition failed to show that the City has violated or is anticipated to violate any**
 11 **State or local law.**

12 Unless and until some past or imminent violation of law is established, there is no need to
 13 restrain the City.

14 **1. The City has not violated SB 29 and intends to comply with it.**

15 In 2017, the State Legislature passed Senate Bill 29, the “Dignity Not Detention Act,”
 16 codified at Civil Code section 1670.9. Among other things, it imposes procedural requirements on
 17 permitting the building or reuse of buildings for immigration detention. Specifically, it provides
 18 that a city may not “approve or sign a deed...or issue a permit for the building or reuse of existing
 19 buildings by any private corporation...to house or detain noncitizens” unless it has (i) provided
 20 public notice at least 180 days before execution, and (ii) “solicited and heard” public comments at
 21 two public meetings.

22 Critically, Section 1670.9 is triggered by issuance of a permit. No permit has issued. There
 23 is no violation of SB 29 unless a permit is issued without complying with the noticing
 24 requirements. The Court should reject the Coalition’s novel theory that “tacit approval” is
 25 equivalent to issuing a permit. No affirmative City permitting act has occurred. (Declaration of
 26 Planner Doravari, ¶ 13.) Seeking to enjoin hypothetical future permits that might violate SB 29 is
 27 non-justiciable; the SB 29 claim is not ripe.

Further, the City will hold its first SB 29 hearings on October 28, 2025, before issuing site plan review approval for the facility, in an abundance of caution. (Declaration of Planner Doravari, ¶¶ 11–12.)

2. The City has not violated any local laws.

(a) The existing conditional use permits appear to cover the ongoing activity.

CoreCivic’s current operations appear to be functionally similar to past use, and as such no new or modified conditional use permit seems to be required. (Declaration of Planner Doravari, ¶¶ 6–9.) According to CCMC section 9-2.402, “correction, probation or prison facilities and services” are permitted in the RA zone with a conditional use permit. In January 1998, the City granted CUP 97-01 for a 2,304-bed “prison facility” at the site; and in October 1998, it granted CUP 98-02 to expand the permitted use by 512 beds. (Declaration of Planner Doravari, ¶ 6.)

Immigration detention falls within “correction, probation, or prison facilities and services.” (Declaration of Planner Doravari, ¶¶ 6–9.) The CCMC does not define “prison,” and nothing in the code indicates an artificially narrow meaning. By ordinary usage, a “prison” is a “place of confinement.” (Merriam-Webster’s Collegiate Dictionary (11th ed. 2003), *prison*.) An ICE detention facility is precisely that.

On its face, CUP 97-01 does not confine the entitlement to penal incarceration or to a particular inmate/detainee population and does not evidence an intent to exclude civil detention. The facility also operated as an ICE detention center from roughly 2010 to 2013 under these CUPs, which aligns with that reading. (Declaration of Planner Doravari, ¶ 8.) The Doe Declaration likewise reflects continuity of use and that the facility is functioning as a carceral facility. In sum, the conditional use permits appear to cover the ongoing activity.

(b) Enforcement is discretionary; the City has violated no mandatory duties under its code.

Whether a statute imposes a ministerial duty (for which mandamus may lie) or a discretionary function turns on text, function, and purpose. (*Weinstein v. County of Los Angeles* (2015) 237 Cal.App.4th 944, 965.) Unlike a ministerial duty, which is an act that the law compels under a given set of facts, an exercise of discretion involves the use of judgment in deciding what

1 action to take. Even if mandatory language appears in a statute creating a duty, the duty is
 2 discretionary if the public entity must exercise significant discretion to perform the duty.
 3 (*Childhelp, Inc. v. City of Los Angeles* (2023) 91 Cal.App.5th 224, 239.) The petitioner bears the
 4 burden. (*American Coatings Ass’n v. South Coast Air Quality Mgmt. Dist.* (2012) 54 Cal.4th 446,
 5 460.)

6 Here, the “mandatory duty” is over asserted. The invoked zoning regulations provide that
 7 the City “shall issue no permit or license” for any use/building “in conflict with” the zoning
 8 regulations, and any such permit “is null and void.” (CCMC, § 9-2.2803(a).) First, no permit or
 9 license has been issued. (Declaration of Planner Doravari, ¶ 13.) Second, any permit or license
 10 (e.g., a business license) would not conflict with zoning because the current use is consistent with
 11 the existing conditional use permits. (Declaration of Planner Doravari, ¶¶ 6–9.) The Coalition has
 12 tired to convert a *limit* on permitting authority (no license in conflict with zoning) into a
 13 ministerial *duty* to abate—an inapt theory under Code of Civil Procedure section 1085.

14 The municipal code also states the City “shall commence actions and proceedings” to
 15 abate/remove/enjoin contrary uses and “apply to any court” for relief as needed. (CCMC, § 9-
 16 2.2804(c).) But enforcement choices are quintessentially discretionary. (See *Riggs v. City of*
 17 *Oxnard* (1984) 154 Cal.App.3d 526, 530 [charging decisions discretionary]; *Fox v. City of Fresno*
 18 (1985) 170 Cal.App.3d 1238, 1241 [enforcement duties imposed on public entities are
 19 discretionary even where “shall” is used because discretion is inherent]; *Haggis v. City of Los*
 20 *Angeles* (2000) 22 Cal.4th 490, 498 [code enforcement involves discretion].)

21 So the City has violated no mandatory duties under its code, meaning the Coalition is not
 22 likely to prevail.

23 **C. The balance of the equities favor denying the requested relief.**

24 The equities favor letting the statutory process run—especially with SB 29 hearings
 25 already anticipated. The City has scheduled the first SB 29 hearing on October 28, 2025.¹
 26 Enjoining the City now would not “preserve” anything. The Coalition does not face a gap in
 27

28 ¹ See Agenda available at https://www.californiacity-ca.gov/CC/images/Complete_Agenda_102825.pdf

process requiring emergency intervention. With SB 29 compliance already in motion, and no imminent municipal act poised to alter the Coalition’s position, the balance of hardships and the public interest favor denying the extraordinary remedy they seek and allowing the scheduled public process to proceed. (See Declaration of Planner Doravari, ¶ 12.)

D. The proposed order is overbroad.

If the court feels compelled to issue a temporary restraining order, any interim order should be more narrowly drawn. As written, the proposed order is insufficiently definite, is improperly more broad than the statute it seeks to prevent violation of, and materially diverges from the ex parte notice.

1. The proposed temporary restraining order is insufficiently definite.

Rule 65(d) requires that a temporary restraining order “describe in reasonable detail” the prohibited conduct. Enjoining the City from issuing any new approvals or permits “unless and until the City has complied with applicable provisions of its Municipal Code and SB 29” is an impermissibly abstract “obey-the-law” command. (*City of Redlands v. County of San Bernardino* (2002) 96 Cal.App.4th 398, 415.) A proper temporary restraining order would identify the specific approval, the governing code provision, and the specific acts enjoined with respect to that approval. For example, if an imminent issuance of a conditional use permit were shown, an injunction might bar issuance of that conditional use permit absent SB 29 compliance. A blanket prohibition on issuing any approvals or permits is insufficiently definite, overbroad, and untethered to a concrete factual showing.

2. The proposed temporary restraining order is more broad than the law itself.

The proposed temporary restraining order is also incongruous with the express language and intent of SB 29. The statute provides only that a city may not “issue a permit for the building or reuse of existing buildings by any private corporation...to house or detain noncitizens.” (Gov. Code, § 7310.) The Legislature thus drew a narrow prohibition directed at a discrete class of municipal actions: those that would affirmatively authorize construction or reuse of facilities for the detention of noncitizens. By contrast, the proposed temporary restraining order seeks to prohibit the City from “issuing new approvals or permits...facilitating...operation or expansion”

1 of the facility. This language sweeps far beyond the statutory text. Not every City approval that
 2 facilitates the operation of the facility would be an SB 29-covered permit. The Court should
 3 therefore reject the overbroad formulation advanced by the Coalition and confine any injunctive
 4 relief, if granted at all, to the narrow statutory boundaries set by the Legislature.

5 **3. *The proposed temporary restraining order is broader than the ex parte notice.***

6 The ex parte notice targeted the City’s “issuing new approvals or
 7 permits...facilitating...operation or expansion.” The proposed temporary restraining order adds a
 8 sweeping prohibition not found in the ex parte notice: “undertaking any actions to expand the
 9 Facility or its operations or to authorize the expansion of the facility.” That is a different and
 10 broader restraint than the “nature of the relief” described in the notice. Eastern District Local Rule
 11 231(a) requires advance notice that informs the affected party of “the nature of the relief to be
 12 requested.” Seeking broader relief than noticed is a defect warranting denial or narrowing.

13 **III. CONCLUSION**

14 For the foregoing reasons, the City respectfully requests that the Court deny the temporary
 15 restraining order application in full as to the City or, in the alternative, substantially narrow the
 16 scope of any interim order.

17
 18 Dated: October 27, 2025

Respectfully submitted,

19 BURKE, WILLIAMS & SORENSEN, LLP

20
 21 By: /s/ Brandon A. Sanchez
 22 Victor M. Ponto
 23 Mark J. Austin
 24 Brandon A. Sanchez
 Attorneys for CITY OF CALIFORNIA
 25 CITY
 26
 27
 28

PROOF OF SERVICE

Dignity Not Detention Coalition, et al. v. City of California City, et al.
Case No. 1:25-cv-01292-KES-CDB

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Los Angeles, State of California. My business address is 444 South Flower Street, 40th Floor, Los Angeles, CA 90071-2942.

On October 27, 2025, I served true copies of the following document(s) described as

**OPPOSITION TO EX PARTE APPLICATION FOR TEMPORARY
RESTRAINING ORDER AND ORDER TO SHOW CAUSE RE PRELIMINARY
INJUNCTION**

on the interested parties in this action as follows:

SEE ATTACHED SERVICE LIST

BY CM/ECF NOTICE OF ELECTRONIC FILING: I electronically filed the document(s) with the Clerk of the Court by using the CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system. Participants in the case who are not registered CM/ECF users will be served by mail or by other means permitted by the court rules.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on October 27, 2025, at Riverside, California.



Victor Ramirez

SERVICE LIST

Dignity Not Detention Coalition, et al. v. City of California City, et al.
Case No. 1:25-cv-01292-KES-CDB

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FILING FEE EXEMPT PURSUANT TO
GOVERNMENT CODE § 6103

Attorneys for Respondent and Defendant
CITY OF CALIFORNIA CITY

UNITED STATES DISTRICT COURT

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**DECLARATION OF CITY PLANNER
ANUPAMA DORAVARI IN SUPPORT OF
OPPOSITION TO PLAINTIFFS' EX
PARTE APPLICATION FOR
TEMPORARY RESTRAINING ORDER
AND ORDER TO SHOW CAUSE RE
PRELIMINARY INJUNCTION**

TRO Application Hearing

Date: November 3, 2025

Time: 1:00 p.m.

Judge: Hon. Kirk E. Sherriff

Crtrm: 6

Trial Date: None Set

DECLARATION OF CITY PLANNER ANUPAMA DORAVARI
IN SUPPORT OF OPPOSITION TO PLAINTIFFS' EX PARTE APPLICATION

I, Anupama Doravari, declare as follows:

1. I am the City Planner for the City of California City ("City"). I held a planning position with the City from 2017 to 2018. Since June 2023 I have served as City Planner. My duties include administering the City's zoning and development regulations, as set forth in the California City Municipal Code ("CCMC"). I also oversee the City's review and processing of conditional use permit ("CUP") applications, site plan reviews, and provide analysis and recommendations to the City Council and Planning Commission on all development projects in the City. As part of my duties, I assist with coordinating inter-departmental permit routing, make use determinations and CCMC interpretations, and maintain the City's planning records. As a result, I am intimately familiar with and tasked with interpreting and applying the CCMC to various uses and projects in the City. I have personal knowledge of the facts stated here or know them based on my review of City records kept in the ordinary course of business. If called, I could and would testify competently.

2. This declaration is in support of the City's opposition to the TRO Application.

3. The documents attached to this declaration are true and correct copies of records the City maintains in the ordinary course of business, or accurate printouts of such records from the City's electronic repositories.

4. In my various capacities, I am familiar with the property commonly known as 22844 Virginia Boulevard, California City, California ("Property"). The Property is located within the RA (Residential/Agricultural) District.

5. After the Facility's reopening in 2025, the City undertook a multi-step review to determine what, if any, local approvals were required and whether any such approvals would trigger the notice-and-hearing procedures in SB 29. This was a time-consuming process. The City searched physical archives and digital repositories across Planning, Building, Fire, and the City Clerk for historical records. The City gathered information from the operator regarding current operations and conducted inspections. Planning compared current operations against historical

1 approvals located during the records search. Staff identified which, if any, administrative
2 approvals (e.g., site plan review) could apply and whether issuing them would be covered by
3 SB 29.

4 6. As is relevant to the TRO Application, the City's investigation revealed the
5 following. In January 1998, the City approved CUP 97-01 for a 2,304-bed "prison facility" on
6 approximately 70 acres of the 320-acre Property. In October 1998, the City approved CUP 98-02
7 expanding the permitted capacity by 512 beds. Neither CUP limits the entitlement to criminal
8 custody or to a particular inmate/detainee population. True and correct copies of CUP 97-01 and
9 CUP 98-02 are collectively attached to this declaration as **Exhibit A** and are incorporated herein.

10 7. Based on my review of the CUP terms, the records on file, and my understanding of
11 current operations, the Facility's ongoing operations remain within the scope of CUP 97-01 and
12 CUP 98-02 and within the RA-district allowance for "correction, probation, or prison facilities and
13 services." The CCMC does not define "prison." In ordinary usage a prison is a "place of
14 confinement," and immigration detention is a place of confinement of the same kind.

15 8. This present determination is also consistent with past practice. In 2010, the City
16 entered Intergovernmental Agreement ODT-10-0002 with the operator for federal detainee
17 housing, including immigration detainees. That use occurred under the 1998 CUPs. So immigrant
18 detention has historically been determined by the City to be a "prison facility" use conditionally
19 permitted under the 1998 CUPs. A true and correct copy of the IGA is attached to this declaration
20 as **Exhibit B** and is incorporated herein.

21 9. In my role as City Planner, I am familiar with the City's record keeping system for
22 land use approvals. After a thorough review, as of the date of this declaration, no application for a
23 new CUP or for a CUP modification has been filed or required, and the Planning Division has not
24 determined that current operations constitute an expansion outside the existing entitlements.

25 10. On August 22, 2025, the operator submitted applications for a business license and an
26 administrative site plan review (SPR). Both applications are being processed with inter-
27 departmental routing to Fire, Police, and Building staff. The facility has passed its final Fire and
28 Building inspections. As of the date of this declaration, all deficiencies have been corrected to the

1 satisfaction of the respective authorities, and there are no outstanding Building or Fire violations
2 for the facility. True and correct copies of the business license application and site plan review
3 application are collectively attached to this declaration as **Exhibit C** and are incorporated herein.

4 11. In an abundance of caution, staff determined that any SPR approval potentially
5 covered by SB 29 will not be issued unless and until the City completes SB 29's prerequisites. The
6 City has scheduled the first SB 29 public hearing for October 28, 2025 before the City Council,
7 with additional hearing(s) to follow as required.

8 12. The City will issue no SB-29-covered approval before it has both (a) provided notice
9 to the public of the proposed conveyance or permitting action at least 180 days before execution
10 and (b) soliciting and hearing public comment at two meetings open to the public, as the statute
11 requires.

12 13. As of the date of this declaration, the City has not approved, signed, or issued any
13 deed, contract, lease, or permit for "the building or reuse of existing buildings" for immigration
14 detention. Accordingly, there is no City permitting action presently outstanding that could
15 constitute a past violation of SB 29.

16 I declare under penalty of perjury under the laws of the State of California that the
17 foregoing is true and correct.

18 Executed on October 27, 2025 in California City, California.

19
20 
21 Anupama Doravari
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PROOF OF SERVICE

Dignity Not Detention Coalition, et al. v. City of California City, et al.
Case No. 1:25-cv-01292-KES-CDB

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Los Angeles, State of California. My business address is 444 South Flower Street, 40th Floor, Los Angeles, CA 90071-2942.

On October 27, 2025, I served true copies of the following document(s) described as

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OPPOSITION TO PLAINTIFFS' EX PARTE APPLICATION FOR TEMPORARY
RESTRAINING ORDER AND ORDER TO SHOW CAUSE RE PRELIMINARY
INJUNCTION**

on the interested parties in this action as follows:

SEE ATTACHED SERVICE LIST

BY CM/ECF NOTICE OF ELECTRONIC FILING: I electronically filed the document(s) with the Clerk of the Court by using the CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system. Participants in the case who are not registered CM/ECF users will be served by mail or by other means permitted by the court rules.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on October 27, 2025, at Riverside, California.



Victor Ramirez

SERVICE LIST

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EXHIBIT A

ORIGINAL

RESOLUTION NO. 01-98-1801

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
CALIFORNIA CITY MAKING CERTAIN ENVIRONMENTAL
FINDINGS AND ADOPTING A STATEMENT OF OVERRIDING
CONSIDERATIONS IN CONNECTION WITH THE
CORRECTIONS CORPORATION OF AMERICA PRISON**

WHEREAS, Corrections Corporation of America (CCA) has filed various applications with the City requesting approval to construct a 2,304 inmate capacity prison and related utility improvements (the "Project"); and

WHEREAS, the Planning Department has determined an Environmental Impact Report (EIR) Supplement be prepared pursuant to the California Environmental Quality Act (CEQA) to determine the individual and cumulative environmental impacts associated with the Project; and

WHEREAS, the Draft EIR Supplement was prepared by RUST Environment and Infrastructure under contract to the City and under the supervision of the Planning Department, and circulated for review from October 24, 1997 to December 9, 1998; and

WHEREAS, responses to comments were prepared and included in the Final EIR Supplement; and

WHEREAS, the Planning Commission considered and approved an application for a conditional use permit at a duly noticed public hearing on January 15, 1998;

NOW THEREFORE BE IT RESOLVED by the City Council of the City of California City as follows:

SECTION 1

INTRODUCTION

1. PRELIMINARY

CCA will develop a 2,304 bed prison on a 320 acre property in California City, Kern County. The Project will accommodate medium security inmates. The City was the Lead Agency for the preparation of an Environmental Impact Report (EIR) Supplement in compliance with the California Environmental Quality Act of 1970 (CEQA) (Public Resources Code §§ 21000 et seq.) and the CEQA Guidelines (California Administrative Code §§ 15000 et seq., as amended).

Because the EIR Supplement identified significant effects which may occur as a result of the Project, City adopts these findings as part of the approval of the CCA Project. In adopting this Statement of Findings, the City approves the construction of the CCA Prison at California City on a 320 acre property known as the Virginia Boulevard site.

Section 1 of these findings provides an introduction and description of the proposed Project and the certification of the Final EIR Supplement. Section 2 discusses potential environmental effects considered to have no significant impacts and require no mitigation. Section 3 discusses potential environmental effects which are not significant or which have been mitigated to a level that is less than significant. Section 4 discusses the significant unavoidable environmental effects of the Project, which cannot be feasibly mitigated to a level that is less than significant. Section 5 discusses Project alternatives. Section 6 discusses changes in mitigation measures and recirculation. Section 7 discusses the Mitigation Monitoring Plan. Section 8 presents the Statement of Overriding considerations. Section 9 presents a Section 21092.1 finding regarding independent judgment.

2. DESCRIPTION OF THE APPROVED PROJECT

The site is located at the terminus of Virginia Boulevard, approximately one-half mile south of Twenty Mule Team Parkway and approximately five miles east of downtown California City. The site encompasses 320 acres of vacant terrain comprised of, and surrounded by, natural desert environment.

Approximately 70 acres of the proposed prison site will be developed for the prison facility and support uses.

The 2,304 bed prison will accommodate 2,304 inmates at 100 percent design bed capacity, and meet the following objectives:

- Provide a secure prison facility to serve the inmate incarceration needs of government correctional agencies.
- Provide a cost effective alternative to publicly funded construction and operation of prisons.

- Provide opportunities for academic education, vocational training, and specialized treatment for inmates.
- Provide excellent long term employment and career opportunities for surrounding communities.

3. CERTIFICATION

The Planning Department has reviewed the Final EIR Supplement for the proposed Project and has considered the public record on the Project, including without limitation the following:

- Record of Public Hearing on the Final Supplement to Environmental Impact Report, Correction Corporation of America Prison at California City, on January 15, 1998, before the Planning Commission.
- Final Environmental Impact Report Supplement, January, 1998.
- Responses to Comments on the Draft Supplement to Environmental Impact Report, Correction Corporation of America Prison at California City, 1997 (Volume II).
- Draft Supplement to Environmental Impact Report, Correction Corporation of America Prison at California City, October 1997.

The custodian of the documents and other materials which constitute the record upon which these findings are based is the Planning Department. The record is available for public review at the City of California City, 2100 Hacienda Boulevard, California City, California, 93505.

Finding

Based upon complete review of the record, the Planning Commission certifies that the Final EIR Supplement is adequate and has been completed in compliance with CEQA.

SECTION 2

POTENTIAL ENVIRONMENTAL EFFECTS CONSIDERED TO HAVE NO SIGNIFICANT IMPACTS AND REQUIRE NO MITIGATION MEASURES

Finding

The EIR Supplement identified thresholds of significance and evaluated environmental impacts for the following issues. The EIR Supplement determined that these environmental impacts did not cross

the thresholds of significance for these issues. Therefore, no mitigation measures are required for these issues.

Land Use, Employment, Population and Housing, Hospitals, Judicial Services, Law Enforcement, Fire Protection, Wastewater Treatment and Disposal, Solid Waste Disposal, Energy, Telephone and Cable.

SECTION 3

POTENTIAL ENVIRONMENTAL EFFECTS WHICH ARE NOT SIGNIFICANT OR WHICH HAVE BEEN MITIGATED TO A LEVEL THAT IS LESS THAN SIGNIFICANT

A. PUBLIC UTILITIES AND COMMUNITY SERVICES

School Impacts

Implementation of the Project would result in enrollment of approximately 124 new students in the Mojave Unified School District (MUSD) resulting in the need for up to four additional classrooms.

Mitigation

The following mitigation measure will be employed to reduce potential impacts to MUSD schools to a less than significant level:

- Mitigation for impacts resulting from additional students generated indirectly by the proposed prison would be provided in the form of school impact fees paid by CCA and developers of other commercial and residential land uses in accordance with California City Building Department fee schedules.

The school mitigation fees for MUSD which are collected by the California City Building Department at issuance of building permits are as follows:

- \$0.32 per square foot of new industrial/commercial floor space.
- \$1.84 per square foot of new residential floor space.

Based on the conceptual building plans for the proposed prison, which indicate approximately 500,000 square feet of floor space, CCA would be responsible for payment of approximately \$160,000 to offset any direct impacts to MUSD. Additionally, new residential development resulting from any direct and indirect growth would contribute separately to school fees at the rate noted above. The collected fees could be utilized to lease the portable classrooms or contribute to funding for permanent facilities necessary for additional students.

Information provided by the MUSD Superintendent's office indicates that payment of the school mitigation fees by CCA and other new developments, and other funding mechanisms will mitigate potential impacts to a less than significant level.

Finding

Changes or alterations have been required in, or incorporated into, the Project which will avoid or reduce impacts to schools to a less than significant level.

Water Supply Impacts

The proposed Project would require 392,000 gallons per day of water. Implementation of the proposed Project would include improvements to the offsite water infrastructure facilities to provide adequate operational and fire/emergency water service to the site.

Mitigation

The following mitigation measures will be adopted to ensure that water is available to serve the Project, and that the Project uses the minimum practical amount of water.

- Design of the proposed prison would include provisions to minimize water use at the proposed prison:
 - Use of low-flow fixtures, and
 - Use of drought-tolerant, native landscaping.

Finding

Changes or alterations have been required in, or incorporated into, the Project which will avoid or reduce impacts to the water system to a level that is less than significant.

B. TRANSPORTATION

Traffic Impacts

During operations, the Project would generate approximately 1,320 daily vehicle trips on peak weekdays. This impact would contribute to an existing unacceptable level of service at the intersection of SR 58 / California City Boulevard in the unincorporated area of Kern County. Cumulative plus peak weekday traffic would result in a significant impact between 5:30 AM and 6:30 AM at the SR 58 / California City Boulevard intersection.

Mitigation

The following measure would reduce the project-related impact to a less than significant level:

- The addition of a traffic signal is shown to be warranted for existing conditions and this improvement would mitigate the unacceptable Level of Service (LOS) condition. Caltrans has jurisdiction over SR 58 and according to Caltrans the Project would be required to participate in funding interim improvements at SR 58/ California City Boulevard, rather than a traffic signal at this intersection. The proposed CCA Prison would contribute 4.2% of the interim improvement costs based on the proportionate share of Project traffic impact to this intersection. Implementation of this mitigation measure would reduce the Project's impact to a less than significant level.

Finding

The impacted intersection is within the dual jurisdiction of Caltrans, a state agency, and Kern County. California City shall ensure through the Mitigation Monitoring Plan that the applicant makes its proportionate share of funds available to Caltrans and Kern County for interim improvements to the intersection. However, California City, as lead agency, has no jurisdiction to implement this mitigation. Caltrans and Kern County can and should implement this mitigation measure to reduce project-related impacts to a less than significant level.

Should Caltrans and Kern County implement this mitigation measure, changes or alterations will have been required in, or incorporated into, the Project which will avoid or reduce Project-related traffic impacts to a less than significant level. If, however, Caltrans and Kern County do not utilize fair share contributions to mitigate the Project's contribution to the current unacceptable LOS condition at SR 58/California City Boulevard, then the increased traffic generated by the Project would be considered a significant and unavoidable adverse impact. Therefore, and in that case, the City shall find that the impact is overridden by the Project benefits stated in the Statement of Overriding Considerations as set forth in Section 8 below.

C. NOISE

Noise Impacts

If dwellings were to be constructed in the approved residential subdivision to the east of the site prior to prison construction, future residents could be subjected to high noise levels during Project construction.

Mitigation

No sensitive receptors are currently located near the Project. Prison operations will not exceed noise significance thresholds and, therefore, no mitigation is required for noise impacts from prison operations. Noise from construction activities would only be considered significant if residences are constructed prior to prison construction. Therefore the Final EIR recommends the following mitigation measures to reduce the noise impacts of construction should residences be built adjacent to the Project prior to Project construction:

- Construction activities within 2,000 feet of occupied residences will be limited to the hours of 7 a.m. to 8 p.m. Monday through Saturday, with no construction allowed on Sundays or City holidays.
- Properly muffled equipment and trucks will be used.

Finding

Changes or alterations have been required in, or incorporated into, the Project which avoid or reduce noise impacts to a less than significant level.

D. HYDROLOGY, STORM DRAINAGE, AND FLOOD CONTROL

Hydrology Impacts

Implementation of the Project would result in the covering of between 50 and 70 acres with impervious surfaces such as buildings, access roads, and parking areas. Implementation of the Project as proposed could result in an increase of the 100-year storm peak runoff from the watershed.

Mitigation

The City will adopt the following measures to reduce the potential impacts related to stormwater runoff to a less than significant level:

- Stormwater drainage and collection facilities will be designed to maintain the volume of surface water runoff at pre-Project levels. Facilities will include ditches or swales, constructed along the perimeter of the prison complex, and lined only with natural vegetation. The ditches, designed for 100-year peak storm flow, will intercept and convey storm runoff to an on-site detention basin.
- An unlined storm water detention basin will be developed on-site to retain a volume of storm water necessary to control runoff from impervious surfaces, and maintain surface runoff volumes at the property boundaries at pre-Project levels. The capacity of the detention basin will be based on calculated storm water flows above natural conditions, resulting from impervious surfaces of the proposed Project. The sizing and design of this detention basin will be reviewed and approved by the City Engineering Department as part of the final site plan approval.

Finding

Changes or alterations have been required in, or incorporated into, the Project which avoid or reduce hydrology impacts to a less than significant level.

Storm Drainage Impacts

Project implementations could result in urban pollutants entering stormwater runoff. Such pollutants may include oil, grease, antifreeze, trace metals, dust and dirt, fertilizers, herbicides and pesticides.

Mitigation

The City will adopt the following measure to reduce potential water quality impacts to a less than significant level:

- The proposed Project will comply with all applicable requirements of the NPDES permit program.

Finding

Changes or alterations have been required in, or incorporated into, the Project which avoid or reduce storm drainage impacts to a less than significant level.

E. BIOLOGICAL RESOURCES

Utility Infrastructure Impacts

Based on the low quality of habitat, and complete absence of presence or sign for any sensitive species within the 25-acre utilities construction path, significant impacts which would require comprehensive mitigation measures are not anticipated. Biologists estimated that approximately ten percent (10%) or 2.5 acres of property along the utility installation area contain habitat which could be considered Category III as designated by the Bureau of Land Management.

Mitigation

The City will adopt the following measures to reduce the potential impact on utilities construction path to less than significant:

- The off-site compensation measures described in Section 4(A) include preservation of 2.5 acres of habitat to off-set the loss described above.
- Prior to installing underground utilities, a final inspection of these areas will be conducted to verify the findings of previous biological surveys
- Biologist shall survey utility construction path immediately prior to trenching activities, and biologist shall move any tortoise from the construction path to adjacent habitat, out of harms way.
- All vehicles, including heavy equipment and personal vehicles, shall use established roadways to access the site. All vehicles shall be restricted to the site and shall not disturb areas adjacent to the utility construction area.

- An educational program should be developed and presented to all construction personnel who will be present on-site.
- The open utility trench will be kept to the minimum width and length as practicable for construction purposes which can be completed on a day-to-day basis.
- The utility trench shall be filled or covered at the completion of each construction day.
- The utility trench shall be visually inspected for tortoise immediately prior to commencing construction each morning.
- Areas disturbed within the utilities construction path will be regraded to blend with adjacent topography.

Finding

Changes or alterations have been required in, or incorporated into, the Project which avoid or reduce utility infrastructure impacts to a less than significant level.

F. CULTURAL RESOURCES

Cultural Resources Impacts

A recorded archaeological site is located on a portion of the site. Because implementation of the proposed Project could result in the disturbance of prehistoric material, this impact is considered significant.

Mitigation

The City will adopt the following measures to reduce potential impacts on cultural resources to a less than significant level:

- If human skeleton remains are encountered during construction, work within 20 meters of the discovery will be stopped immediately and the County Coroner notified. If the remains are Native American, the Coroner has 24 hours to notify the Native American Heritage Commission.
- If any buried cultural remains are encountered during development and construction, work within 20 meters of the discovery will be stopped until a professional archeologist is retained to determine the significance of the find and to develop management actions. Actions needed to manage the resource will be implemented.
- Avoidance of archaeological sites is the preferred management technique. Avoidance may be achieved through implementation of the following measure:

- ▶ A qualified archaeologist will be retained to fence the perimeter of the archaeological site prior to Project grading. The fence will be located approximately 15 feet outside the actual resource site boundary and remain there for the duration of construction activities. The fenced area will be unmarked to prevent unauthorized collecting.

If avoidance is infeasible, the following measure will be implemented:

- ▶ Prior to site grading or other construction activities, a qualified archaeologist will collect surface artifacts. A report containing a lithic analysis will be filed with the Southern San Joaquin Valley Information Center at California State University, Bakersfield.

Finding

Changes or alterations have been required in, or incorporated into, the Project which avoid or reduce cultural resource impacts to a less than significant level.

G. GEOLOGY, SOILS, SEISMICITY AND GROUNDWATER

Soil Impacts

Potentially expansive soil was encountered in one boring at the site during a geotechnical investigation conducted for the 1994 EIR. Construction on expansive soils can result in structural damage or failure.

Mitigation

The City will adopt the following measures to reduce potential impacts relative to expansive soils to a less than significant level:

- Expansive soil, will be removed or treated, and/or an expansion-resistant foundation system will be constructed.
- A complete design-level geotechnical investigation of the site prior to final design and construction will be conducted. The investigation will be focused on actual building location and take into consideration building design and loading considerations. The purpose of the investigations will be to identify specific design criteria and provide final recommendations for site grading, foundations, paving, and other considerations.

Finding

Changes or alterations have been required in, or incorporated into, the Project which avoid or reduce soil impacts to a less than significant level.

Soils Impact

The surface soil, upper 1 to 4.5 feet, at the site is generally of a loose consistency and may be subject to excessive immediate settlement under loading. Such settlement can result in structural damage or failure.

Mitigation

The following measures will be adopted to reduce potential impacts relative to collapsible or compressible soils to a less than significant level:

- Collapsible soils or compressible soils, if determined to be present at the site, will be mitigated by modification of soil, or through structural foundation design.
- A complete design-level geotechnical investigation of the site prior to final design and construction will be conducted. The investigation will be focused on actual building location and take into consideration building design and loading considerations. The purpose of the investigations will be to identify specific design criteria and provide final recommendations for site grading, foundations, paving, and other considerations.

Finding

Changes or alterations have been required in, or incorporated into, the Project which avoid or reduce collapsible or compressible soils impacts to a less than significant level.

Seismic Impacts

Based on probabilistic analysis conducted for the preparation of the 1994 Final EIR, the highest maximum peak horizontal accelerations at the site could range from 0.30g to 0.35g for the estimated maximum credible event of M7.5 at the Lockhart Fault.

Mitigation

The following measure will be adopted to reduce potential impacts relative to seismic shaking to a less than significant level:

- Facilities will be designed to the standards required by the regulatory agencies governing the Project, or other pertinent building codes, to withstand the expected ground motions. Through site specific studies, seismic criteria has been developed that should be evaluated by structural designers to determine whether the standard seismic design for prisons meets or exceeds the criteria.

Finding

Changes or alterations have been required in, or incorporated into, the Project which avoid or reduce seismic impacts to a less than significant level.

H. HAZARDOUS MATERIALS

Hazardous Materials Impacts

Review of historic aerial photographs, and local, state, and federal records revealed no evidence of hazardous substance use, storage, or releases on the Project site. No evidence of hazardous materials storage or contamination was identified on the site or in adjacent areas. However, due to the size of the site, the possibility of an isolated area of contamination, e.g. isolated illegal dumping of hazardous waste, cannot be completely dismissed.

Mitigation

The City will adopt the following measure to reduce potential impacts with respect to potential site contamination to less than significant:

- In the event that hazardous materials or waste contamination are encountered during grading, construction or operation of the proposed Project, the subject wastes shall be assessed, reported to appropriate agencies, and remediated. Appropriate remediation shall be determined through consultation with the affected health and state agencies.

Finding

Changes or alterations have been required in, or incorporated into, the Project which avoid or reduce hazardous materials impacts to a less than significant level.

Hazardous Materials Impacts During Construction and Operations

Construction and operation of the Project would require the use and storage of hazardous materials such as paints and solvents. The misuse, improper disposal, and/or mismanagement of these materials could affect groundwater quality, soil quality, and possibly create hazards to human health and safety.

Mitigation

The City will adopt the following measures to reduce potential hazardous materials impacts during Project construction and operation to a level that is less than significant:

- Hazardous materials on the prison grounds will be properly stored in suitable containers and in accordance with manufacturers directions for safe storage.
- Hazardous materials used at the prison will be properly disposed of as needed, at a Class I landfill, a County-sponsored "hazardous materials round-up", or other suitable disposal method sanctioned by the Department of Toxic Substances Control.

Finding

Changes or alterations have been required in, or incorporated into, the Project which avoid or reduce hazardous materials impacts during construction to a less than significant level.

SECTION 4

SIGNIFICANT UNAVOIDABLE ENVIRONMENTAL IMPACTS WHICH CANNOT BE MITIGATED TO A LEVEL THAT IS LESS THAN SIGNIFICANT

A. BIOLOGICAL RESOURCES

Desert Tortoise Habitat Impacts

The Project site is located outside of U.S. Fish and Wildlife (USFWS) designated critical habitat areas for the desert tortoise. However, the Project would result in the loss of approximately 70 acres of desert tortoise habitat. The loss of occupied habitat could be considered a take pursuant to Section 2081 of the California Endangered Species Act (CESA). Any net loss of any occupied desert tortoise habitat is considered a significant and unavoidable impact. Individual tortoises could be destroyed as a result of grading and construction activities. Destroying a tortoise would be considered a take of a listed species pursuant to both the ESA and the CESA, and considered a significant impact.

Mitigation

To mitigate the above impacts and comply with the Federal Endangered Species Act (ESA) and California Endangered Species Act (CESA), the applicant will obtain necessary permits from both USFWS and California Department of Fish and Game (CDFG). USFWS will require the submittal of a ESA Section 10(a) permit application and the preparation of a Habitat Conservation Plan (HCP) that includes a Project description with an impact assessment, mitigation measures to avoid or minimize impacts, compensation for any unavoidable impacts, implementation measures, and provisions for any unforeseen circumstances and amendment to the HCP and permits. This document will also provide the information required during CDFG Section 2081 permitting process as mandated by CESA.

The following mitigation recommendations are typical of those included in desert tortoise habitat HCP's. Actual mitigation requirements will be determined by USFWS and CDFG during the required permitting process. The agencies may require additional measures to mitigate for the proposed habitat loss for the desert tortoise.

Construction Site Measures

- Prior to implementation of any of the following measures, CCA must provide fees for the

acquisition of up to 70-acres of compensation lands to the Desert Tortoise Preserve Committee (DTPC) to mitigate impacts of the prison development.

- Grading limits should be chosen in an effort to minimize impacts to mapped tortoise activity areas.
- An enclosure should be placed around the boundary of the limits of grading and should consist of an appropriate type of fencing to keep desert tortoises from re-entering the construction area.
- Clearance surveys should be conducted by qualified and permitted biologists to locate and remove any tortoises from within the limits of grading. All tortoises will be relocated to an appropriate, and preferably, adjacent habitat within the western one-half which are not part and placed within created, artificial burrows of any area disturbed by the proposed prison or any potential future facility expansions.
- The undeveloped portion of the western one-half of the site will be dedicated as a conservation easement to provide and enhance habitat for sensitive biological species.
- A biological monitor should be present during all initial ground clearing and grading activities to ensure that no incidental take of desert tortoise occurs.
- An educational program should be developed and presented to all construction personnel who will be present on-site.
- Access to the 320-acre site will be strictly controlled by perimeter signage and 24-hour patrols by prison correctional officers. Human recreational activities will be prohibited within the undeveloped portions of the site for environmental and security purposes. Native wildlife activity and migration within the property boundary, and outside the boundaries of prison security fencing, will not be disturbed.
- Provide signage along site access road to beware of desert tortoise.

Finding

The Project impacts to desert tortoise and related habitat identified in the Final EIR Supplement cannot be mitigated to a less than significant level. However, changes or alterations have been required in, or incorporated into, the Project which significantly reduce the potential for take of listed species and substantially lessen the significant environmental effects identified in the Final EIR Supplement. A Statement of Overriding Considerations has been prepared for the Project (See Section 8).

Mojave Ground Squirrel Habitat Impacts

Although no Mojave ground squirrels were observed at the site, the loss of Mojave ground squirrel

habitat is considered a significant impact.

Mitigation

The impact on the Mojave ground squirrel habitat will be significant and unavoidable, however, the City will adopt the following measure to partially mitigate the impact on the Mojave ground squirrel habitat:

- A mitigation plan for the loss of habitat will be approved in coordination with the permitting for the loss of desert tortoise habitat discussed above.

Finding

The impacts to the Mojave ground squirrel habitat identified in the Final EIR Supplement cannot be mitigated to a less than significant level. However, changes or alterations have been required in, or incorporated into, the Project which substantially lessen the significant environmental effects identified in the Final EIR Supplement. A Statement of Overriding Considerations has been prepared for the Project (See Section 8).

Burrowing Owl Impacts

Although no burrowing owls were observed at the site, the loss of burrowing owl habitat is considered a significant impact.

Mitigation

Project impacts on the burrowing owl habitat will be significant and unavoidable, however, the City will adopt the following measure to partially mitigate the impact on the burrowing owl habitat:

- Although no burrowing owls were observed at the site, and no impacts to burrowing owls are expected, mitigation which will be developed for the desert tortoise includes protection of Mojave creosote bush scrub habitat from grazing and recreational vehicle activity. This mitigation will enhance the potential for use of the protected area of the site as burrowing owl habitat.

Finding

The impact identified in the Final EIR Supplement cannot be mitigated to a less than significant level. However, changes or alterations have been required in, or incorporated into, the Project which substantially lessen the significant environmental effects identified in the Final EIR Supplement. A Statement of Overriding Considerations has been prepared for the Project (See Section 8).

B. AIR QUALITY

Construction Impacts

The Project would modify/develop between 50 to 70 acres, and up to 35 acres could be exposed at any one time during construction. The Project could generate 1,848 pounds per day of fine particulate matter (PM₁₀). Construction related emissions would exceed Kern County Air Pollution Control Department CEQA thresholds of significance for PM₁₀ and nitrogen oxides (NO_x), and would therefore represent a significant and unavoidable impact of the Project.

Mitigation

Although the impacts associated with NO_x and PM₁₀ are significant and unavoidable, construction activities shall be partially mitigated by employing the best available control measures for fugitive dust control described in the EIR Supplement and included in the Mitigation Monitoring Program.

Finding

Project construction air quality impacts identified in the Final EIR Supplement cannot be mitigated to a less than significant level. However, changes or alterations have been required in, or incorporated into, the Project which substantially lessen the significant environmental effect as identified in the Final EIR Supplement.

Construction Equipment Impacts

Use of employee vehicles, trucks and heavy equipment would result in construction emissions throughout the construction period. The Project would generate approximately 172 tons/year of carbon monoxide, 21 tons/year of total organic gases, 59.8 tons/year of nitrogen oxides, 5.7 tons/year of sulfur oxides, and 6.4 tons/year of particulate matter during construction. Construction related emissions would exceed KCAPCD CEQA thresholds of significance for PM₁₀ and NO_x.

Mitigation

Although the impacts from construction equipment and construction employee vehicles will be significant and unavoidable, the following measures will partially mitigate the identified impacts:

- Equipment will be maintained to minimize emissions.
- Information will be provided to construction employees to facilitate car pooling.
- Information will be provided to construction employees to facilitate extended stays in the Project vicinity to reduce long distance commuting.

Finding

Project air quality impacts arising from construction activities cannot be mitigated to a less than significant level. However, changes or alterations have been required in, or incorporated into, the Project which substantially lessen the significant environmental effect as identified in the Final EIR Supplement. A Statement of Overriding Considerations has been prepared for the Project (See Section 8).

Operations Impacts

Total daily trips to the site during operation peak weekdays are estimated to be 1,320. Vehicle emissions would total 48.4 tons/year reactive organic gases, 330 tons/year carbon monoxide, 37.5 tons/year nitrogen oxides, and 6.1 tons/year of PM₁₀. Operation of the Project would result in significant and unavoidable impacts from emissions of organic compounds and nitrogen oxides, which exceed KCAPCD CEQA thresholds of significance.

Mitigation

City will adopt the following measures to partially mitigate the air quality impacts from operational emissions:

- Information will be provided to employees to facilitate car pooling.
- Equipment, such as generators, will meet all Kern County Air Pollution Control District requirements.

Finding

Project air quality impacts arising from operations cannot be mitigated to a less than significant level. However, changes or alterations have been required in, or incorporated into, the Project which substantially lessen the significant environmental effect as identified in the Final EIR Supplement. A Statement of Overriding Considerations has been prepared for the Project (See Section 8).

C. AESTHETICS/VISUAL CONSIDERATIONS**Aesthetic Impacts**

The Project would result in the conversion of vacant desert lands to a developed prison facility with buildings, parking lots, lighting, and other related features. Although no residences presently exist in the immediate vicinity, the prison would represent a significant change in the visual landscape, or viewshed, to future residents of approved residential subdivisions adjacent to the proposed prison site.

Even with mitigation in place, implementation of the proposed Project will result in an unavoidable significant visual impact to future residents of the approved subdivisions east of the Project site. The

site is relatively small, thereby affording limited flexibility in terms of placement of the prison structures. There are no feasible mitigation measures available to reduce the potential visual impact to less than significant

Mitigation

The Project impact on the viewshed will be significant and unavoidable, however, the following measure will be adopted to partially mitigate the identified impact, but not to a level that is less than significant:

- Areas of the site disturbed during Project construction which would remain unpaved will be revegetated for runoff control and to enhance visual blending with the surrounding area.

Finding

Changes or alterations to the Project to reduce visual and aesthetic impacts have been incorporated into the Project as the mitigation measures, however, the visual and aesthetic impacts associated with the Project cannot be mitigated to a less than significant level. A Statement of Overriding Considerations has been prepared for the Project (See Section 8).

Lighting Impacts

Indirect lighting of adjacent areas and skyglow from the proposed prison would occur because the Project site is surrounded by vacant desert lands with no light-blocking features, and because there are no other sources of nighttime lighting in the vicinity. Although currently no residences exist in the immediate vicinity, skyglow would be visible and would be a visual nuisance to existing and future sensitive receptors.

Even with mitigation in place, skyglow will be noticeable in California City. Only the no-Project alternative would avoid significant light and glare impacts. However, implementation of this alternative would not meet the basic objectives of the Project.

Mitigation

The impact from nighttime lighting and skyglow will be significant and unavoidable, however, the following measure will be adopted to partially mitigate the identified impact, but not to a level that is less than significant:

- Mast lighting posts will not exceed 30 feet in height, and where applicable and required by design, the lighting will be shielded and directed downward to minimize off-site illumination.

Finding

Changes or alterations have been required in, or incorporated into, the Project which substantially

lessen the significant environmental effects as identified in the Final EIR Supplement. However, the residual effect, after mitigation, of nighttime lighting has been identified as significant and unavoidable. A Statement of Overriding Considerations has been prepared for the Project (See Section 8).

SECTION 5

ALTERNATIVES

The Final EIR Supplement identifies and evaluates five potential alternatives to the Project that “could feasibly accomplish most of the basic purposes of the Project”. The five alternatives include (1) no Project, (2) Virginia Boulevard-Less Intense Prison, (3) Randsburg-Mojave site, (4) Remote Site, and (5) Virginia Boulevard/190% Development alternative. The alternatives discussed in the Final EIR Supplement constitute a reasonable range of potential options necessary to permit a reasoned choice of alternatives in light of the Project Objectives identified in Sections 1.3 and 7.0 of the Draft EIR Supplement. The Final EIR identifies the No Project Alternative and the Less-Intensive Prison Alternative as environmentally superior to the Project and they would reduce or eliminate the unavoidable significant impacts associated with the Project. However, neither of these alternatives fulfill the Project objectives. In addition, specific economic and social considerations make the environmentally superior alternatives identified in the Final EIR Supplement infeasible. Therefore, pursuant to CEQA Guideline 15364, and Public Resources Code Section 21081(a)(3), the Planning Commission will reject the environmentally superior alternatives as infeasible.

The alternatives considered in the Final Supplement are summarized below:

1. **No Project Alternative-** Under the no-Project alternative, a correctional facility would not be constructed. None of the potential impacts associated with development of the Project would occur. Unavoidable adverse impacts related to light and glare, biological resources and air quality (particulate and ozone-producing gases) during both construction and facility operation would be avoided.

Finding

The Planning Commission finds the No-Project Alternative is infeasible and rejects this alternative for the following reasons:

- This alternative will fail to meet any of the Project objectives identified in the Final EIR; and
- This alternative would forego the substantial benefits of the Project, particularly:
 - Construction of the Corrections Corporation of America Prison at California City is necessary to provide a secure prison facility to serve the inmate incarceration needs of government correctional agencies, and to provide a cost effective alternative to publicly funded construction and operation of prisons.

- The prison will provide excellent long term employment and career opportunities for surrounding communities. Between 85 to 90 percent of the prison employees are expected to be drawn from the Project vicinity. Approximately 480 positions for permanent correctional officers will be created. Other job opportunities will include medical, education, administrative, trade and clerical services.
 - In addition to the jobs directly created by the prison, the purchase of local goods and services for the prison facility, and by CCA employees will stimulate the local economy and result in additional employment opportunities in the Project vicinity. Since California City has no base industries, the additional employment opportunities and the increased tax revenue generated by the prison will greatly benefit the local economy.
2. **The Virginia Boulevard-Less Intense Prison-** The EIR Supplement evaluated a smaller scale Project on the same site comprised of 1,000 beds on a 40 acre site.

Finding

The Planning Commission finds the Virginia Boulevard-Less Intense Prison Alternative is infeasible and rejects this alternative for the following reasons:

- This alternative provides environmental benefits, however, this alternative will not provide as many employment opportunities as the proposed Project and would provide less capacity to serve the incarceration needs of government correctional agencies. Thus, this alternative will do less to meet Project objectives; and
 - Based on the required investment in land and facility development costs, a smaller prison on the 320- acre site would not be economically viable. Thus, this alternative does not present a cost effective alternative to a publicly funded and operated correctional facility.
3. **Randsburg-Mojave Site-** While not an unavoidable significant impact, this alternative would remove potential (but somewhat degraded) habitat for the burrowing owl and the Mojave ground squirrel. Additionally, the Randsburg-Mojave property is not currently served by paved access roads, and public utilities would require extension from a greater distance to serve the site. Furthermore, as discussed in the 1994 EIR, construction at this site would require enhanced engineering design and more stringent building requirements to withstand potential levels of seismic shaking due to the proximity of an active fault, thus representing a fiscal constraint. Lastly, during the initial search by CCA for an appropriate site to accommodate the proposed Project, the Randsburg-Mojave property was not available for sale.
4. **Remote Site Alternative-** Through the site selection process used to find the prison site, properties located in the region which would be reasonably feasible alternatives, would meet the majority of the Project objectives, and fit most of the criteria identified as necessary, were

not found. Specifically, the biological resources and habitat quality of more remote sites tended to improve; however, the areas further to the east and north tend to be served by fewer paved roads with limited access to utilities and services. Thus a Remote Site alternative was not feasible.

5. **The Virginia Boulevard/190% Development Alternative-** This alternative would result in additional significant unavoidable impacts such as viewshed impacts; increased light, glare and aesthetic impacts; impacts to Mojave Unified School District; additional particulate and ozone producing impacts generated during operations; and loss of additional acreage of potential desert tortoise, burrowing owl, and Mojave ground squirrel habitat. The larger prison could also result in land use incompatibilities and incrementally increase demands on public utilities and community services which could potentially limit the ability to provide adequate services. This alternative was rejected since it would not offer an environmental advantage over the proposed Project.

SECTION 6

RECIRCULATION

SECTION 21092.1 FINDING

Finding: Pursuant to CEQA Guideline 15088.5, and Public Resources Code Section 21092.1, on the basis of its review and consideration of the Final EIR Supplement this Planning Commission finds that:

- The Project mitigation for impacts to biological resources has been revised from an on-site habitat conservation plan to an off-site habitat conservation plan as described in Section 3 of these findings and as shall be incorporated into the Project as part of the Mitigation Monitoring Plan.
- The revised mitigation measures and revised water system design are not substantial changes in the Draft EIR Supplement that would deprive the public of a meaningful opportunity to comment on a substantial adverse environmental effect of the project, a feasible way to mitigate or avoid such an effect, or a feasible project alternative; and
- The revised mitigation measures and revised water system design will not result in new significant environmental effects or substantially increase the severity of the previously identified significant effects disclosed in the Draft EIR Supplement; and
- The revised mitigation measures and revised water system design will not involve or require mitigation measures or alternatives which are considerably different from those analyzed in the Draft EIR Supplement that would substantially reduce one or more significant effects on the environment; and

- The revised mitigation measures and revised water system design do not render the Draft EIR Supplement so fundamentally inadequate and conclusory in nature that meaningful public review and comment would be precluded;
- Thus, none of the conditions set forth in CEQA Guideline 15088.5 or Public Res. Code § 21092.1 requiring recirculation of a Draft EIR Supplement have been met. Incorporation of the revised mitigation measures and revised water system design into the Final EIR Supplement does not require that the EIR Supplement be recirculated for public comment.

SECTION 7

FINDINGS REGARDING THE MITIGATION MONITORING PROGRAM

Section 21081.6 of the Public Resources Code requires that when a public agency is making the findings required by State CEQA Guidelines Section 15091(a)(1) and Section 21081(a) of the Public Resources Code the public agency shall adopt a program for reporting on or monitoring the changes which it has either required of the Project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.

The Planning Commission hereby finds that the Mitigation Monitoring Program dated January, 1998, and adopted as part of the Project's Conditional Use Permit meets the requirements of Section 21081.6 of the Public Resources Code by providing for and enforcing the implementation and monitoring of Project conditions intended to mitigate potential environmental effects of the Project.

SECTION 8

STATEMENT OF OVERRIDING CONSIDERATIONS

Having reduced the effects of the proposed Project by adopting mitigation measures, and balanced the benefits of the proposed Project against the proposed Project's potential unavoidable adverse impacts, the City hereby determines the benefits of the proposed Project outweigh the potential unavoidable adverse impacts, and the unavoidable adverse impacts are acceptable, based on the following overriding considerations, which are sufficient to outweigh the proposed Project's unavoidable adverse impacts:

- Construction of the Corrections Corporation of America Prison at California City will provide a secure prison facility to serve the inmate incarceration needs of government correctional agencies, and to provide a cost effective alternative to publicly funded construction and operation of prisons.
- The prison will provide excellent long term employment and career opportunities for

Surrounding communities. Between 80 to 90 percent of the prison employees are expected to be drawn from the project vicinity. Approximately 480 positions for permanent correctional officers will be created. Other job opportunities will include medical, education, administrative, trade and clerical services.

In addition to the jobs directly created by the prison, the purchase of local goods and services for the prison facility, and by CCA employees will stimulate the local economy and result in additional employment opportunities in the Project vicinity. Since California City has no base industries, the additional employment opportunities and the increased tax revenue generated by the prison will greatly benefit the local economy.

SECTION 9

INDEPENDENT JUDGEMENT

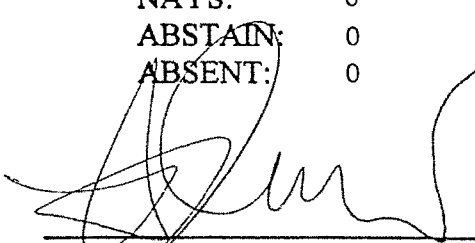
SECTION 21082.1 (C) (3) FINDING

Facts: The Planning Department, acting as lead agency, has reviewed and edited as necessary the Draft EIR Supplement and the Final EIR Supplement to reflect its own independent judgement to the extent of its ability, including reliance on concerned County technical personnel from other departments.

Finding: Pursuant to Public Resources Code Sec. 21082.1 (c) (3) the City Council hereby finds that the Final EIR Supplement reflects the independent judgement of the lead agency.

Introduced, approved and adopted this 20th Day of January, 1998 by the following vote:

AYES:	5
NAYS:	0
ABSTAIN:	0
ABSENT:	0



Larry Adams, Mayor

January 20, 1998

Date

ATTEST:



Helen Dennis, City Clerk

DRAFT

**SUPPLEMENT TO FINAL
ENVIRONMENTAL
IMPACT REPORT**

**CORRECTIONS
CORPORATION OF
AMERICA PRISON AT
CALIFORNIA CITY**

**State Clearinghouse No.
97091045**

Lead Agency:
City of California City
21000 Hacienda Boulevard
California City, CA 93505
(760)373-8661

Prepared by:
Rust Environment &
Infrastructure
18401 Von Karman
Suite 550
Irvine, California 92612
(714)251-6400

Project Applicant:
Corrections Corporation of
America
102 Woodmont Boulevard,
Suite 800
Nashville, Tennessee 37205

October 1997

**Rust Environment
& Infrastructure**

1.0 INTRODUCTION

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1.1 PREFACE

The proposed project involves construction and operation of a new 2,304 bed medium security prison facility located in California City, Kern County, California. The proposed prison would occupy approximately 70 acres of a 320 acre property situated at the terminus of Virginia Boulevard, roughly one-half mile south of Twenty Mule Team Parkway and approximately five miles east of downtown California City. The proposed project will require extension of public utilities to serve the facility, and issuance of a Conditional Use Permit by California City and other necessary agency approvals.

This project is being proposed by Corrections Corporation of America (CCA), the leading private sector provider of detention and correction services to federal, state and local governments in the United States. CCA was founded in 1984, and currently has contracts to operate 62 correctional facilities in several states. CCA's full range of services includes finance, design, construction and management of new or existing facilities, as well as long-distance inmate transportation. CCA's mission is "Quality corrections, at less cost to the taxpayer, in partnership with government."

1.2 PURPOSE OF THIS DOCUMENT

This document is prepared as a Supplement to a prior Environmental Impact Report (EIR) (State Clearinghouse No. 93082030) which evaluated the environmental effects resulting from construction and operation of a new State of California Department of Corrections (CDC) prison facility on one of two properties located in California City. One of the properties evaluated in the prior EIR, the Virginia Boulevard site, is being evaluated in this document for construction and operation of a similar, yet less intense prison facility that would be constructed, owned and operated by CCA.

Under California Environmental Quality Act (CEQA) Guidelines (Section 15163), the lead or responsible agency may choose to prepare a Supplement if minor additions or changes in the proposed action have occurred since circulation of a previous EIR. The EIR Supplement need only contain information necessary to make the previous EIR adequate for the currently proposed project. Therefore, the 1994 certified EIR (SCH#93082030) is incorporated by reference into this Supplement in accordance with CEQA Guidelines Section 15150. The Executive Summary of the certified EIR is attached as Appendix A of this Supplement. The entire certified EIR is available for review at the City of California City Planning Department offices located at 21000 Hacienda Blvd. in California City.

Based on the evaluation conducted to complete the Initial Study, and a review of impacts and mitigation measures identified in the prior EIR, the areas for which this Supplement provides revised

*Environmental Impact Report Supplement
Corrections Corporation of America Prison at California City*

or clarified information for the proposed action include:

- Changes to the description of the proposed action.
- Land use and planning.
- Visual considerations.
- Employment, population and housing.
- Public utilities and community services.
- Transportation.
- Air quality.
- Hydrology and drainage.
- Biological resources.
- Cultural resources.

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The technical reports used in the preparation of this Supplement are attached as appendices. The prior EIR and associated technical appendices are available for review at the City of California City offices noted on the cover of this report.

This EIR Supplement will be used by the City of California City Planning Commission and City Council, and various local, state, and federal responsible agencies during consideration of the proposed project (see Section --- for an overview of the permits/approvals required for the proposed project). The primary purpose of this EIR Supplement is to:

- Identify and evaluate potential environmental consequences of the proposed project.
- Indicate the manner in which those consequences can be mitigated or avoided.
- Identify and analyze alternatives that may reduce or eliminate potentially significant environmental impacts associated with the proposed project.
- Identify any impacts, that even with mitigation measures would be unavoidable.
- Provide, or refer to, documentation supporting these determinations.

1.3 PROJECT OBJECTIVES

In planning the California City prison facility, and in accordance with section 15124(b) of CEQA Guidelines, CCA identified the following objectives:

- Provide a secure prison facility to serve the inmate incarceration needs of government correctional agencies.
- Provide a cost effective alternative to publicly funded construction and operation of prisons.
- Provide opportunities for academic education, vocational training, and specialized treatment for inmates as required by contracting agencies.
- Provide excellent long term employment and career opportunities for surrounding communities.

*Environmental Impact Report Supplement
Corrections Corporation of America Prison at California City*

1.4 PROJECT BACKGROUND

In August 1994, the CDC certified a Final EIR which addressed a new 2,200 bed prison or up to a 4,400 bed prison complex, and an associated waste water treatment facility located on one of two sites in California City. Prior to EIR certification, a 30-day Notice of Preparation was distributed, and a public scoping meeting was held to encourage public participation in that environmental review process. The Draft EIR, which provided an extensive evaluation of potential environmental impacts resulting from the proposed projects, was distributed for a 45-day public review period. Following the close of the review period, CDC held a subsequent public hearing to obtain verbal comments on the Draft EIR. The Final EIR was certified by CDC after additional technical studies were conducted, and responses were prepared to all comments received during the public review process.

The first of the two alternative prison sites evaluated in the prior EIR is referred to as the Randsburg-Mojave site. This property, which is located north of Randsburg-Mojave Road and comprised of 1,780 acres, was evaluated for construction and operation of up to a 4,400 bed prison to accommodate up to 8,360 inmates. The second site, referred to as the Virginia Boulevard site, is a 480 acre property located south of Twenty Mule Team Parkway at the terminus of Virginia Boulevard. The Virginia site was evaluated for operation of a 2,200 bed prison to accommodate up to 4,180 inmates. A CDC prison facility on either property would have included a 160-acre waste water treatment facility. Due to funding constraints, the State of California did not proceed with construction or operation of a prison on either of the sites evaluated.

Since certification of the prior EIR, CCA has submitted a proposal to the City of California City to construct and operate a medium security prison facility on the Virginia Boulevard site. This facility would be connected to municipal water, sewer, electricity and gas services. The proposed action includes a 2,304 bed prison on the 320 acre parcel described herein. The 160 acre parcel previously evaluated for a wastewater treatment plant is not a part of the proposed CCA prison. Similarly, the Randsburg-Mojave site evaluated in the prior EIR is not a part of the CCA proposed prison.

To respond to potential environmental effects of the proposed action addressed in the EIR certified by CDC which may require updating or clarification, California City, as the new lead agency for the project, has determined that a Supplement to the prior EIR should be prepared. As noted above, this Supplement provides additional analysis/clarification of various issues, and provides an opportunity for public review and comment. The City of California City issued a Notice of Preparation (NOP) for an EIR Supplement for the proposed action on September 11, 1997. A copy of this NOP, the Initial Study, and Responses to the NOP are included in Appendix B.

1.5 SUPPLEMENT FORMAT

DRAFT

The contents of this Supplement are arranged in a format similar to the prior EIR to assist in cross referencing the two documents. Only revised and/or clarified information is addressed in this Supplement. Unless otherwise addressed in this Supplement, the information included in the prior EIR remains unchanged. The remainder of the Supplement is organized in the following sections:

*Environmental Impact Report Supplement
Corrections Corporation of America Prison at California City*

- **2.0 - Executive Summary** - This section summarizes the proposed action, related environmental impacts, identified mitigation measures, cumulative impacts, and alternatives to the proposed action.
- **3.0 - Project Description** - This section describes the prison facility proposed by CCA, including the property location and setting, site improvements and necessary infrastructure extensions.
- **4.0 - Environmental Setting, Revised/Clarified Impacts, and Mitigation Measures** - This section discusses the current environmental condition of the site and vicinity, and describes the revised or clarified potential impacts resulting from implementation of the proposed action, and evaluates the significance of these impacts. Revised or additional mitigation measures that would reduce or avoid environmental effects are identified.
- **5.0 - Cumulative Impacts** - This section includes additional information on potential cumulative impacts from the proposed action and other projects in the region.
- **6.0 - Alternatives to the Proposed Action** - This section will describe alternatives potentially capable of eliminating or reducing significant environmental effects associated with the proposed action. This section will also address a maximum prison development (4,180 bed facility) scenario for the project site, consistent with the information presented in the prior EIR.
- **7.0 - Persons and Organizations Consulted** - This section provides a list of individuals and organizations that contributed data of concerns in this EIR Supplement. Persons or organizations who contributed to the preparation of this EIR Supplement are also identified.
- **8.0 - References** - A list of references used in the preparation of this Supplement is included in this section.
- **Appendices** - The following appendices to the EIR Supplement are included:
 - **Appendix A** - Notice of Preparation, Initial Study, and Responses to the NOP
 - **Appendix B** - Executive Summary From Prior EIR
 - **Appendix C** - Updated Traffic Study
 - **Appendix D** - Biological Resources Survey
 - **Appendix E** - Cultural Resources Survey

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*Environmental Impact Report Supplement
Corrections Corporation of America Prison at California City*

2.0 EXECUTIVE SUMMARY

**TO BE COMPILED FOLLOWING INITIAL REVIEW OF ADMINISTRATIVE DRAFT AND
PRIOR TO DISTRIBUTION OF SUPPLEMENT FOR PUBLIC REVIEW**

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3.0 PROJECT DESCRIPTION

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3.1 PROJECT LOCATION AND SETTING

As shown in Figure 1, the 320 acre project site is located in the City of California City, Kern County California, approximately 0.5 miles south of Twenty Mule Team Parkway, at the terminus of Virginia Boulevard. The site is situated at an elevation of roughly 2,555 feet above mean sea level, approximately 5 miles east of downtown California City. The property and vicinity is comprised of vacant undeveloped desert land, characterized by creosote bush and scrub vegetation. The site is not currently served directly by any public utilities. The subject property nor any of the surrounding parcels within 0.5 miles contain any significant structural improvements. For more detailed information on the regional setting refer to the 1994 EIR.

3.2 FACILITY DESCRIPTION

The currently proposed action is a private venture by Corrections Corporation of America (CCA) to design, construct and operate a 2,304 bed medium security prison facility on approximately 70 acres of the 320 acre Virginia Boulevard site previously evaluated by CDC for a prison in EIR 93082030. Unlike the previous proposal, the CCA proposed facility will only accommodate 2,304 inmates, the intended capacity of the prison. This facility will be designed to meet American Correctional Association standards and is intended to accommodate inmates from the State of California. A conceptual site plan of the prison is shown in Figure 2. This site plan will be finalized in accordance with all applicable State and local codes and regulations.

The primary elements of the proposed prison will include the following:

- An administration building comprised of offices for the prison management, support staff and correctional officers. This building will also include space for medical response facilities, central kitchen and dining area, chapel, housekeeping, facility maintenance, inmate educational facilities, and visitation. The administration building will also be equipped with a fenced service yard for the storage of inmate transfer and security vehicles.
- Secure inmate housing buildings, constructed of precast concrete panels, would be connected to the administration building by twelve-foot wide precast concrete corridors. Inmate housing units would be equipped with staff and inmate support facilities, including programmatic meeting areas, restrooms and a commissary. Secure inmate housing units would be comprised of double occupancy cells.
- A gymnasium building that would include indoor sports and exercise areas, classrooms, and vocational areas would also be linked by a precast concrete corridor to the administration building.
- An armory, containing weapons and riot gear would be located in a secure building, detached

from the main prison building. CCA correctional officers do not carry any weapons as part of normal operations.

- An outdoor recreation and exercise area would be centrally located, near the inmate housing buildings and the administration building.
- All of the improvements described above will be situated within a perimeter compound security system that will include two rows of chain link fencing equipped with razor wire along the top and bottom of each fence. The facility would also be equipped with a motion detection system, and nighttime security lights on thirty-foot tall posts. To facilitate security patrols, an asphalt paved perimeter road would encompass the exterior of the entire fenced prison compound.
- Site improvements located external to the fenced and secured prison facility would include, an asphalt paved parking lot to accommodate approximately 216 employee and visitor vehicles. An asphalt paved, two lane road would provide access to the parking lot and prison. Petroleum powered generators would be installed to provide electricity to the facility in the event of a power failure.

3.3 FACILITY CONSTRUCTION

The construction of the proposed facility is projected to involve a total of 250 employees over a 15 - 18 month period. It is anticipated that within this construction period, there would be a peak activity period, where the number of employees would increase to about 350. This peak would last about three months. Based on the contractor's experience and the remote location of the site, it is estimated that 30% of the construction employees would carpool to the site.

3.4 FACILITY OPERATIONS

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Operating at full capacity, the proposed CCA prison would employ approximately 640 staff during three correctional officer shifts seven days per week, and one administrative staff shift five days per week. Staff distribution per eight hour shift would be as follows:

- The first shift of 180 correctional officers would begin at 6:00 AM.
- The second shift of 180 correctional officers would begin at 2:00 PM.
- The third shift of 180 correctional officers would begin at 10:00 PM.
- The administrative staff shift of 100 people would begin at 8:00 AM.

As part of standard prison operations, inmates would be transported to and from the proposed prison on a weekly, or more frequent basis, as required by the contracting agencies supplying inmates for the proposed prison. Educational and vocational programs for inmates would be implemented by CCA staff to meet the needs of individual inmates and as specified by the requirements of the contracting agencies.

*Environmental Impact Report Supplement
Corrections Corporation of America Prison at California City*

3.5 PUBLIC UTILITIES IMPROVEMENTS

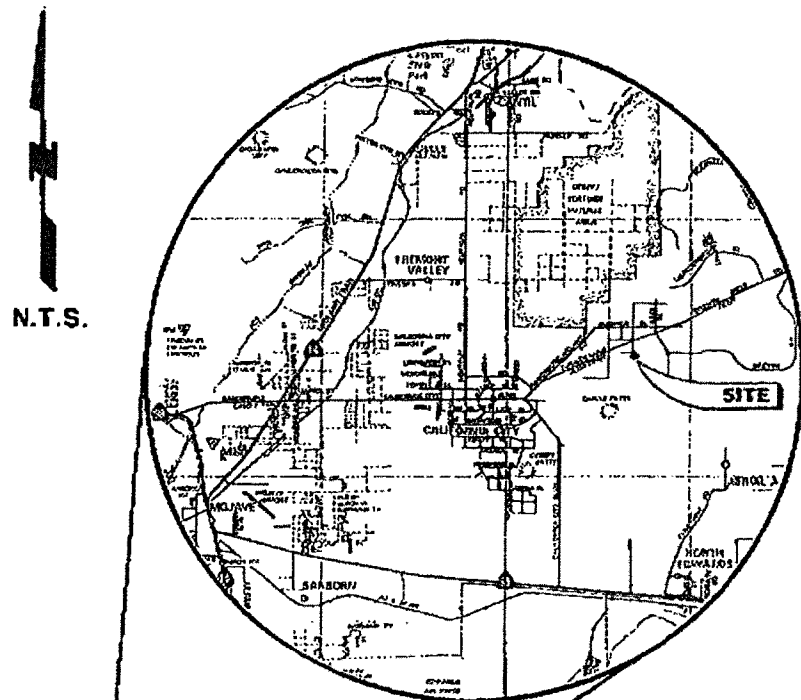
The proposed prison would require the extension of electricity, water, natural gas and sewer utilities to the property. Water and electricity lines would be extended from existing utilities located along Twenty Mule Team Parkway. A water line providing service to the site would be placed underground within the Virginia Boulevard right-of-way. Electricity will likely be provided by an overhead extension along the east side of Virginia Boulevard. Natural gas lines would be extended from existing gas utilities located approximately four miles west of the prison site, near the intersection of Randsburg-Mojave Road and Hooker Street. Extension of electricity, water and natural gas as described above were also required for the previously proposed CDC prison, and the associated environmental impacts of these utility extensions were evaluated in the prior EIR.

Sewer service to the proposed prison would be provided by constructing an underground sewer line extension from the existing California City treatment facilities located approximately four and one-half miles west of the prison site. This extension, which would be located primarily within public street right-of-ways, would be designed and constructed in accordance with the rules and regulations of the City of California City. In contrast, the CDC proposal addressed in the 1994 EIR designated a 160-acre parcel adjacent to the prison for an on-site waste water treatment facility.

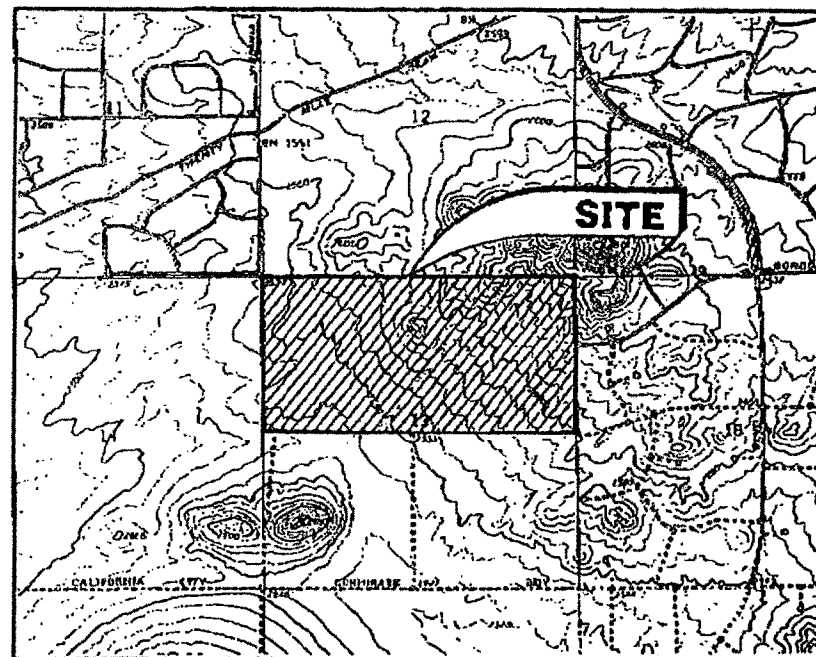
A complete discussion of the status of the public utilities and services in the vicinity, and the environmental impacts associated with implementation of the proposed prison are discussed in Section 4.4 of this Supplement.

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OCT 10 '97 12:02PM RUST ENV INFRA



VICINITY



Source: U.S.G.S. Map 7.5' Quadrangle, Golileo Hill, California

LOCATION

DRAFT

RUST
Rust Environment & Infrastructure Inc.

CORRECTIONS CORPORATION OF AMERICA
PRISON FACILITY

SITE VICINITY/LOCATION

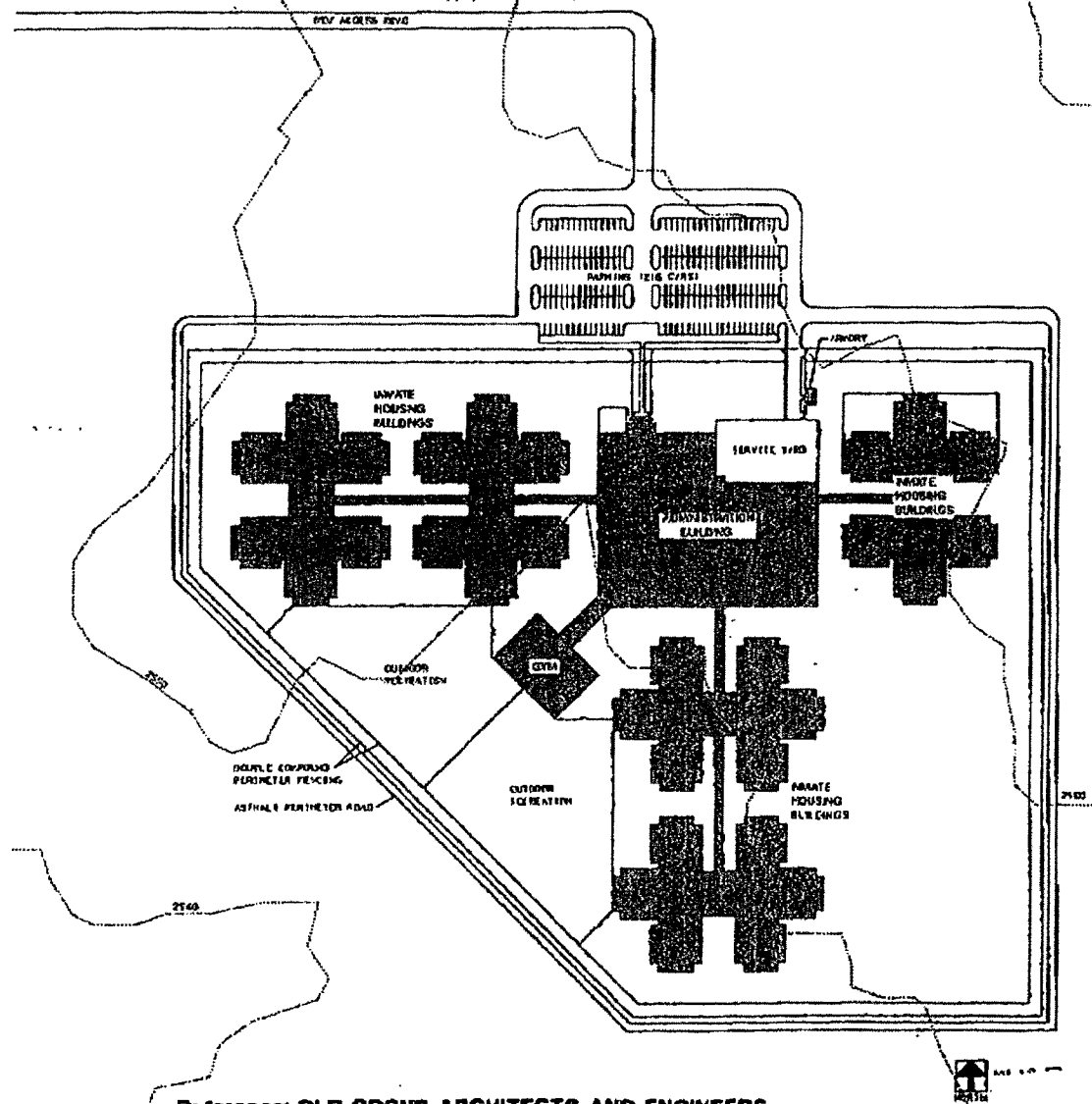
FIGURE

1

P.11

OCT 10 '97 12:03PM RUST ENV INFRA

DRAFT



Reference: DLR GROUP ARCHITECTS AND ENGINEERS

RUST

Rust Environment & Infrastructure Inc.

CORRECTIONS CORPORATION OF AMERICA
PRISON FACILITY

CONCEPTUAL SITE PLAN

FIGURE

2

P.12

CUP 98-02

RESOLUTION NO. 11-98-02

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CALIFORNIA CITY MODIFYING CONDITIONAL USE PERMIT 97-01 AS IT RELATES TO THE PROPOSED 512-BED EXPANSION AT CORRECTIONS CORPORATION OF AMERICA'S CALIFORNIA CITY CORRECTIONAL CENTER (CONDITIONAL USE PERMIT--AMENDMENT 98-02)

BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF CALIFORNIA CITY as follows:

Section 1. Scope

The City granted a Conditional Use Permit 97-01 to Corrections Corporation of America (CCA) to operate a 2,304-bed Correctional Center at 22844 Virginia Boulevard. The permittee filed an application to expand the permitted use by 512 beds. This resolution sets forth the Commission's decision on the application.

Section 2. Findings

The Commission finds as follows:

- (a) Operation of a prison facility is in accordance with the general plan and the objectives of the Zoning Regulations;
- (b) Facility complies with the applicable provisions of the Municipal Code; and
- (c) A Mitigated Negative Declaration for the proposal will satisfy California Environmental Quality Act (CEQA).

Section 3. Conditions

The application to amend Conditional Use Permit No. 97-01 is approved subject to the following conditions:

- (a) Buildings must be connected to electricity, water, sewer, natural gas, telephone and cable television;
- (b) Site Plan Review for the project will be to the satisfaction of the City Engineer and in accordance with the Municipal Code; and
- (c) Other provisions of the Municipal Code shall be followed.

Section 4. Other

Except as provided herein, Conditional Use Permit No. 97-01 is hereby affirmed.

PASSED, APPROVED AND ADOPTED on November 24, 1998, by the following votes:

AYES: 4
NOES: -0-
ABSENT: -0-
ABSTAIN: 1

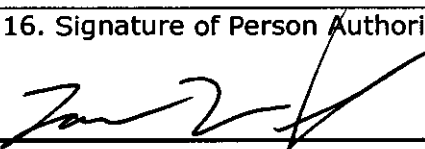
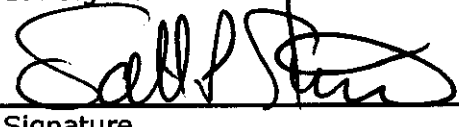
Robert L. Inyon
Chair

ATTEST:

Ronna Greene
Secretary

(SEAL)

EXHIBIT B

1. Agreement Number ODT-10-0002	2. Effective Date See Block 19.	3. Facility Code(s)	4. DUNS Number 159734151
5. Issuing Federal Agency U.S. Department of Justice Office of the Federal Detention Trustee 4601 N. Fairfax Drive, Suite 910 Arlington, Virginia 20530		6. Local Government California City 21000 Hacienda Ave California City, California 93505 TAX ID# 62-1806755	
7. Appropriation Data		8. Local Contact Person Tom Weil, City Manager	
		9. Tel: (760) 373-7170 Fax: (760) 373-7532 Email: citymgr@californiacity.com	
10. This agreement is for the housing, safekeeping, and subsistence of federal prisoners, in accordance with content set forth herein.		11. Male: 2,276 Female: 256 (Estimated Federal Beds)	12. See Page #18
13. Optional Guard/Transportation Services: ☒ Medical Services ☒ U.S. Courthouse		14. Guard Hour Rate: \$53.03 Mileage shall be reimbursed by the Federal Government at the GSA Federal Travel Regulation Mileage Rate.	
15. Local Government Certification <i>To the best of my knowledge and belief, information submitted in support of this agreement is true and correct, this document has been duly authorized by the governing of the Department or Agency and the Department or Agency will comply with all provisions set forth herein.</i>		16. Signature of Person Authorized to Sign (Local)  Signature Tom Weil Name City Manager, California City Title 09/21/10 Date	
17. Prisoner and Detainee Type Authorized ☒ Adult Male ☒ Adult Female ☐ Juvenile Male ☐ Juvenile Female ☐ ICE Detainees	18. Other Authorized Agency User ☒ BOP ☒ ICE	19. Signature of Person Authorized to Sign (Federal)  Signature Scott P. Stermer Name Assistant Trustee for Procurement, OFDT Title 9/23/10 Date	

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A.1 Background

Federal detention is a large component of criminal and immigration case processing by the U.S. Marshals Service (USMS) and, U.S. Immigration and Customs Enforcement (ICE), Department of Homeland Security (DHS). Law enforcement initiatives and increases in illegal immigration to the United States have created a complex detention program that the Department of Justice (DOJ) must effectively manage with available detention resources or acquire additional resources to meet increasing demands.

In response to the increasing concern regarding federal detention, the Office of the Federal Detention Trustee (OFDT) was established by a Congressional directive to exercise all power and functions authorized by law relating to the detention of federal prisoners and illegal aliens. Accordingly, OFDT leads the development of DOJ detention policy and manages federal detention resources to maximize available detention space.

Currently, non-federal detention bed space for federal detainees and prisoners is acquired through Intergovernmental Agreements (IGAs), where a daily rate is paid to state and local governments, and facility-specific contracts with private service providers. The Department of Justice Appropriations Act for 2001 (Public Law 106-553) is designed to allow for the use of non-traditional contract vehicles when acquiring detention and other related services. This authority states:

"Sec. 119 - Notwithstanding any other provision of law, including section 4(d) of the Service Contract Act of 1965 (41 U.S.C. 353(d)), the Attorney General hereafter may enter into contracts and other agreements, of any reasonable duration, for detention or incarceration space or facilities, including related services, on any reasonable basis."

In an effort to operate in the most effective way and receive the maximum benefit of Section 119 to meet the Government's current and future goals, and acquire additional resources, OFDT desires to award an Agreement to California City for detention services at the California City Correctional Center.

A.2 Services Required

California City will provide, by the terms and conditions identified in this agreement, all necessary personnel, equipment, materials, supplies, and services for the management of comprehensive detention services, which include, but are not limited to, security, medical services, food service, safety, and sanitation. Additionally, the facility shall have sound proof rooms to accommodate video conferencing that permit prisoners and their attorneys to communicate in a secure manner which preserve the confidentiality of the attorney-client relationship.

These comprehensive detention services shall provide for the safe, secure, and humane confinement for male and female population principally consisting of prisoners or

detainees charged with federal offenses' and detained while awaiting trial or sentencing. Services are to be provided at the California City.

Performance shall be in accordance with the most current editions of the Federal Performance-Based Detention Standards (FPBDS), Performance-Based Detention Standards for Adult Local Detention Facilities (ALDF), and Standards Supplement. California City shall maintain American Correctional Association (ACA) and Joint Commission on Accreditation of Healthcare Organizations (JCAHO) accreditation throughout the life of the agreement.

All services and programs shall comply with this Performance Work Statement (PWS); the U.S. Constitution; all applicable federal, state, and local laws and regulations; applicable Presidential Executive Orders (E.O.); all applicable case law; and Court Orders and Consent Decrees. Should a conflict exist between any of the aforementioned standards, the most stringent shall apply. When a conflict exists and a conclusion cannot be made as to which standard is more stringent, the Contracting Officer (CO) shall determine the appropriate standard. California City shall comply with DOJ and/or USMS regulation, Congressional mandate, federal law or E.O. and all existing California City policies.

California City will:

- Provide a means for verification of their ACA and JCAHO accreditation.
- Operate in full and complete compliance of the Federal Performance-Based Detention Standards as defined. Those standards are available at <http://www.justice.gov/ofdt/major-activities.htm>
- Operate in full complete compliance with California laws and regulations.
- California City will ensure that all employees and contractors comply with their policies regarding employment suitability and background clearances and that any violations of California City Standards of Conduct are investigated and adjudicated appropriately and promptly.

A.2.1 Standard Receiving and Discharge of Prisoners/Detainees

California City agrees to accept federal detainees only upon presentation by a law enforcement officer of the Federal Government with proper agency credentials and shall not relocate a federal detainee from one facility under its control to another without the permission of the Federal Government.

California City shall only release federal prisoners/detainees only to law enforcement officers of the Federal Government agency initially committing the detainee (i.e., DEA, ICE, etc.) or to a Deputy United States Marshal (USM). Those detainees who are

remanded to custody by a USM may only be released to a USM or an agent specified by the USM of the Judicial District.

Federal prisoners detainees sought for a state or local court proceeding must be acquired through a Writ of Habeas Corpus or the Interstate Agreement on Detainers and then only with the concurrence of the Federal Government.

A.2.2 Records Management

All records related to agreement performance should be retained in a retrievable format for the duration of the agreement. Except as otherwise expressly provided in this PWS, California City shall, upon completion or termination of the resulting agreement, transmit to the Government any records related to performance of the agreement.

A.2.3 Indemnification

California City shall protect, defend, indemnify, save, and hold harmless the United States Government, the DOJ and its employees or agents, from and against any and all claims, demands, expenses, causes of action, judgments and liability arising out of, or in connection with, any negligent acts or omissions of California City, its agents, sub-contractors, employees, assignees, or any one for whom California City may be responsible. California City shall also be liable for any and all costs, expenses, and attorneys' fees incurred as a result of any such claim, demand, and cause of action, judgment or liability, including those costs, expenses, and attorneys' fees incurred by the United States Government, the DOJ and its employees or agents. California City's liability shall not be limited by any provision or limits of insurance set forth in the resulting agreement.

In awarding this agreement, the Government does not assume any liability to third parties, nor will the Government reimburse California City for its liabilities to third parties, with respect to loss due to death, bodily injury, or damage to property resulting in any way from the performance of the agreement or any subagreement under this agreement.

California City shall be responsible for all litigation, including the cost of litigation brought against it, its employees or agents for alleged acts or omissions. The CO shall be notified in writing of all litigation pertaining to this agreement and be provided copies of any pleadings filed or said litigation within five (5) working days of receipt of service. California City shall cooperate with government legal staff and/or the United States Attorney regarding any requests pertaining to federal or State litigation.

A.2.4 Transportation

California City is responsible for the movement/transportation of prisoners designated to the institution as requested in writing by the USMS as specified below. Examples of

circumstances requiring prisoner movement/transportation include, but are not limited to: outside medical care; transfer or movement to/from other Government facilities; and airlift sites. California City's transportation procedures shall ensure staff and prisoner security and safety. California City shall utilize restraint equipment identical to the USMS when one-for-one equipment exchange is required (e.g., airlifts).

Transportation and escort guard services will be performed by at least two (2) armed qualified detention or correctional officer personnel under applicable policies, procedures, and practices. California City agrees to augment such practices as may be requested by the USMS to enhance specific requirement for security, prisoner monitoring, visitation, and contraband control.

California City shall establish procedures for the disposition of prisoner/detainee property/funds upon final transfer from the facility. California City shall establish procedures to allow prisoner/detainee one set of clothes that he/she is wearing at time of final transfer from the facility. California City shall ensure that prisoner/detainee transport clothing provided is properly fitted, climatically suitable, durable and presentable. These procedures shall be approved in writing by the USMS.

Specific services, California City agrees, upon request of the USMS in whose custody a prisoner is held, to provide:

- 1) Transportation and escort guard services for federal prisoners housed at their facility to and from a medical facility for outpatient care (within per-day rate);
- 2) Transportation and stationary guard services for federal prisoners admitted to a medical facility (outside per-day rate; paid on a per-hour basis for Guard Service);
- 3) Transportation and escort guard services for federal prisoners/detainees housed at the facility are transported to and from the San Diego Courthouse four times a week (within per-day rate);
- 4) And, the Justice Prisoner and Alien Transportation (JPATS) airlift site in Victorville, CA (outside per-day rate; paid on a per-hour basis for Guard Service);
- 5) Transportation and escort guard services for federal prisoners once a week from the California City Correctional Center to the Nevada Southern Detention Center in Pahrump, Nevada (within per-day rate).

A.2.5 Medical Services

Provide sufficient on-site medical coverage to accomplish the deliverables listed below while containing costs, with an understanding that California City Correctional Center's proximity to other California facilities allows the medical provider to provide certain coverage, care and relief using staff from nearby institutions.

Specifically, the goal is to provide these services on-site:

- Initial (intake) medical screening of new admissions including administration and reading of PPD tests.
- Health appraisals (physicals) within the 14 day requirement after intake.
- 24 hour/ 7 day basic care to respond to emergent situations and distribute medications.
- Sick call Monday through Friday days.
- Chronic care clinics when needed.

California City is financially responsible for all medical treatment provided to federal detainees within the facility. California City shall provide either through its staff or contractors the full range of medical care required within the facility including dental care, mental health care, pharmaceuticals, and record keeping, as necessary to meet the standards of the JCAHO. California City shall not be responsible for the cost of necessary outside medical care or treatment. The USMS shall be responsible for the cost of necessary outside medical care or treatment.

In the event of an emergency, California City shall proceed immediately with necessary medical treatment. In such event, California City shall notify the USMS Contracting Officer's Technical Representative (COTR) immediately regarding the nature of the federal detainee's illness or injury and type of treatment provided.

The facility shall have in place an adequate infectious disease control program, which includes testing all prisoners at the facility for Tuberculosis (TB) as soon as possible upon intake (not to exceed 14 days) and read within 72 hours. TB testing shall be accomplished in accordance with the latest Center for Disease Control (CDC) Guidelines and the results documented on the federal detainee's medical record. California City shall immediately notify the USMS of any cases of suspected or active TB so that any scheduled transports or production can be delayed until a physician verifies the federal detainee's TB status. (Refer to USMS Directive: 9.4 Prisoner Health- Prisoner Airborne Pathogen Control)

When a federal detainee is being transferred and/or released from the facility, he will be provided with seven (7) days of prescription medication which will be dispensed from the detention facility. When possible, generic medications should be prescribed. Medical records must travel with the federal detainee.

If the records are maintained at a medical contractor's facility, it is the detention facility's responsibility to obtain them before a federal detainee is moved.

A.2.5a Prisoner Rape Elimination Act (PREA)

The facility is required to post the Prisoner Rape Elimination Act (PREA) brochure/bulletin in each housing unit of the facility. All prisoners or detainees have a right to be safe and free from sexual harassment and sexual assaults. The facility shall include the PREA information in their handbooks and orientations at the California City (Refer to Attachment: Prisoner Rape Elimination Act Information).

A.2.6 Contacts and Incident Reporting

Policy and procedures shall be developed which ensure a positive relationship is maintained with all levels of the federal judiciary. California City's procedures shall ensure a tracking system is established which mandates that all judicial inquiries and program recommendations are responded to in a timely and accurate manner. All judicial inquiries and California City responses, specifically related to a detainee, shall be made part of the detainee's file.

California City shall notify the COTR (with copy to the CO) when a member of the United States Congress or the media requests information or requests to visit the facility. California City shall coordinate all public information related issues with the COTR. All press statements and releases shall be cleared, in advance, with the COTR.

California City, their employees, agents, or sub-contractors shall not release any information regarding the facility population, security level, personal identifiers, or medical issues to anyone outside the USMS without express permission of the CO, COTR, or their designee. Any inquiries regarding any inmate or other matter related to the contract shall immediately be referred to the USMS. California City shall immediately notify the USMS of any incident where they believe information was released by their employee, agent, or sub-contractor related to a USMS' matter. California City shall ensure employees agree to use appropriate disclaimers clearly stating the employees' opinions do not necessarily reflect the position of the DOJ in any public presentations they make or articles they write that relate to any aspect of contract performance or the facility operations.

California City shall immediately report all criminal activity related to the performance of this contract to the USMS, who shall contact the appropriate law enforcement investigative agency. California City shall immediately report all serious incidents to the COTR. Serious incidents include, but are not limited to the following: activation of disturbance control team(s); disturbances (including gang activities, group demonstrations, sexual assault/abuse, food boycotts, work strikes, work place violence, civil disturbances/protests); staff uses of force, assaults on staff/detainees resulting in

injuries that require medical attention (does not include routine medical evaluation after the incident); fires; full or partial lockdown of the facility; escape; any security breaches; weapons discharge; suicide attempts; deaths; hunger strikes; adverse incidents that attract unusual interest or significant publicity; adverse weather; fence damage; power outages; bomb threats; significant environmental problems that impact the facility operations; transportation accidents if a detainee is in the vehicle.

California City shall provide a safe, secure, and humane environment for alleged victims of sexual assaults and detainees undergoing mental health treatment for sexual assault.

The Government may investigate any incident pertaining to performance of this contract. California City shall cooperate with the Government on all such investigations.

A.2.7 Detainee Work Program

Detainee labor shall be used in accordance with the detainee work plan developed by California City and approved by the USMS. The detainee work plan must be voluntary, and may include work or program assignments for industrial, maintenance, custodial, service or other jobs. The USMS detainees may not be required to work. USMS detainees may volunteer to work within the secure confines of the contract facility if they sign a waiver of their right not to work. USMS detainees with suicidal tendencies, attempted escapes or escape history, violent history, gang affiliations or with retainers for pending charges with other local, state or federal agencies will not be considered for the volunteer program. USMS detainees are not permitted to act as Trustees and they may not work in positions that permit unsupervised contact with segregated prisoners or detainees of the opposite sex. USMS detainees are restricted from operating equipment that may expose the prisoners to grave bodily harm or any work assignment requiring security risk items and controlled tools which could be used to facilitate an escape or used as a weapon that could endanger staff, citizens or other inmates. USMS detainees will not have access to prisoner or employee records. In addition, the State will ensure that detainees who volunteer to work are denied access to prescription medications. USMS detainees must obtain required medical clearances before working in the food service areas. The detainee work program shall not conflict with any other requirements of the contract and must comply with all applicable laws and regulations. Detainees shall not be used to perform the responsibilities or duties of an employee of California City. Appropriate safety/protective clothing and equipment shall be provided to detainee workers as appropriate. Detainees shall not be assigned work that is considered hazardous or dangerous. This includes, but is not limited to, areas or assignments requiring great heights, extreme temperatures, use of toxic substances and unusual physical demands.

Volunteer prisoner/detainee workers can be paid the identical rates of pay as other California City inmates.

USMS prisoner/detainees shall be required to participate in normal housekeeping duties which help ensure the cleanliness of their housing area. Increases and reductions in

privileges may be used as incentives to ensure that USMS' detainees keep their living areas clean (FPBDS Services and Programs Section – G.3 & G.4.).

A.3 Quality Control Management

California City is responsible for management and quality control actions necessary to meet the quality standards set forth in this agreement. In compliance with the FAR Clause 52.246-4, Inspection of Services-Fixed Price, California City must provide a Quality Control Plan (QCP) to the CO no later than 60 days after award.

The plan must include:

- 1) A description of the methods to be used for identifying and preventing defects in the quality of service performed;
- 2) A description of the records to be kept to document inspections and corrective or preventive actions taken;
- 3) Records of inspection that must be kept and made available to the Contracting Officer, when requested, through the agreement performance period and for the period after agreement completion until final settlement of any claims under this agreement.

A.4 Quality Assurance

The Government quality assurance (QA) is comprised of the various functions, including inspection, performed by the Government to determine whether a provider has fulfilled its agreement obligations pertaining to quality. The Government's QA program is not a substitute for quality control by the provider.

Each phase of the services rendered under this agreement is subject to Government inspection both during California City's operations and after completion of the tasks. When California City is advised of any unsatisfactory condition(s), California City shall submit a written report to the CO addressing corrective/preventive actions taken. The COTR may check California City's performance and document any non-compliance, but only the CO may take formal action against California City for unsatisfactory performance.

The COTR will be designated subsequent to agreement award and a delegation of COTR duties and authority will be furnished to California City. The Government may reduce California City's invoice or otherwise withhold payment for any individual item of nonconforming service observed as specified in Contractor's Failure to Perform Required Services. The Government may apply various inspection and extrapolation techniques to determine the quality of service and the total payment due.

A.4.1 Inspection Clause

Failure to Perform Required Services

The rights of the Government and remedies described in this section are in addition to all other rights and remedies set forth in this solicitation. Specifically, the Government reserves its rights under the Inspection of Services and Termination clauses. Any reductions in the contractor's invoice shall reflect the contract's reduced value resulting from the contractor's failure to perform required services. The contractor shall not be relieved of full performance of the services hereunder and may be terminated for default based upon inadequate performance of services, even if a reduction was previously taken for any inadequate performance.

This agreement incorporates FAR clause 52.246-4 Inspection of Services—Fixed-Price:

INSPECTION OF SERVICES—FIXED-PRICE (AUG 1996)

- (a) Definition. "Services," as used in this clause, includes services performed, workmanship, and material furnished or utilized in the performance of services.
- (b) The Contractor shall provide and maintain an inspection system acceptable to the Government covering the services under this contract. Complete records of all inspection work performed by the Contractor shall be maintained and made available to the Government during contract performance and for as long afterwards as the contract requires.
- (c) The Government has the right to inspect and test all services called for by the contract, to the extent practicable at all times and places during the term of the contract. The Government shall perform inspections and tests in a manner that will not unduly delay the work.
- (d) If the Government performs inspections or tests on the premises of the Contractor or a subcontractor, the Contractor shall furnish, and shall require subcontractors to furnish, at no increase in contract price, all reasonable facilities and assistance for the safe and convenient performance of these duties.
- (e) If any of the services do not conform to contract requirements, the Government may require the Contractor to perform the services again in conformity with contract requirements, at no increase in contract amount. When the defects in services cannot be corrected by re-performance, the Government may—
 - (1) Require the Contractor to take necessary action to ensure that future performance conforms to contract requirements; and
 - (2) Reduce the contract price to reflect the reduced value of the services performed.

(f) If the Contractor fails to promptly perform the services again or to take the necessary action to ensure future performance in conformity with contract requirements, the Government may—

- (1) By contract or otherwise, perform the services and charge to the Contractor any cost incurred by the Government that is directly related to the performance of such service; or
- (2) Terminate the contract for default.

(End of clause)

A.5 Performance Reviews

In accordance with the Federal Acquisition Regulations (FAR), subpart 37.601 Performance-based Acquisition, the Government must have a method of assessing contractor performance against performance standards. Further, the agreement provides procedures for reductions to the price of a fixed-price agreement when services are not performed or do not meet agreement requirements. This Performance Summary establishes the performance level required by the Government to meet the agreement requirements.

The following methods of surveillance may be used in the assessments of agreement performance:

- A) **Systematic**: These reviews will be scheduled inspections focusing on a specific discipline. Assessments may be performed by Government monitors or by other parties designated by the Government.
- B) **Ad-Hoc**: These reviews will be conducted as a result of special interests arising from routine monitoring of the contractor's quality control system an unusual occurrence pertaining to the agreement or other Government concerns.

A.6 Performance Ratings

The service requirements are divided into various disciplines, each of which has a number of key functions. Successful performance of a key function is essential for successful performance of the related discipline. Each discipline comprises a specific percentage of the overall agreement requirement. Reductions in agreement price will be based on these percentages applied to the overall monthly invoice.

At the conclusion of any review, a report will be written and an adjectival rating of contractor performance within each discipline will be assigned. The following rating system will be used:

Excellent: The program conforms to the FPBDS in an exceptional manner and conformance is maintained with exceptional internal controls. Policies and procedures for achieving the program standards are documented and adequate for the mission of the facility; the policies and procedures are communicated to staff; the policies and procedures are fully implemented; and the desired outcome is achieved. Level of performance in the aggregate exceeds the minimum performance standard by substantial margin; deficiencies are nonexistent or extremely minor.

Good: The program conforms to the FPBDS in an acceptable manner. Internal controls limit procedural deficiencies. The facility more than accomplishes the requirements of program standards. Level of performance in the aggregate meets the performance standard; deficiencies are minor and offset by outstanding elements of performance within the review guideline.

Acceptable: The program is meeting the requirements of the FPBDS. There are no breakdowns that would keep the program from continuing to accomplish the mission of the facility. Level of performance in the aggregate meets the performance standards; deficiencies are minor and there are no outstanding elements of performance present within the review guideline.

Deficient: The program is unable to meet the requirements of one or more of the FPBDS. Internal controls are weak, resulting in serious deficiencies in one or more areas. The level of performance in the aggregate fails to meet the performance standards; deficiencies are pervasive.

At-Risk: Operation of the program is impaired to the point that the facility is unable to accomplish its mission. The program is unable to meet the requirements of the FPBDS and is unlikely to meet those requirements in the foreseeable future without substantial corrective action. The level of performance in the aggregate fails to meet the performance standards; deficiencies require immediate corrective actions.

A.7 Performance Matrix

This Performance Matrix serves to communicate what the Government intends to qualitatively inspect. The matrix identifies:

- A. Each service requirement and the key functions essential to successful performance of each agreement requirement;
- B. Define the minimum performance rating acceptable for each agreement requirement; and

- C. Specify the maximum percentage of total agreement value attributable to each agreement requirement.

Administration and Management

Objective - Addresses policy development and monitoring; internal quality control; maintenance of detainee records, funds, and property; admission and orientation procedures; detainee release; and accommodations for the disabled.

Value: 20%

Minimum Successful Performance Rating: Acceptable

FPBDS Section	Standard
(A.1)	Policy Development and Monitoring
(A.2) (K.1)	Internal Inspections and/or Reviews
(A.3)	Detainee Records
(A.4)	Admission and Orientation
(A.5) (K.2)	Personal Property and Monies
(A.6) (K.3)	Detainee Release
(A.7)	Accommodations for the Disabled

Health Care

Objective - Addresses the policies and procedures for administering quality health care by licensed personnel; maintaining accurate health information data; timely health screening, treatment, program intervention and follow-up of all cases; access to routine, acute chronic, and emergency health services, response to medical, mental and dental health needs of detainees; suicide prevention; infectious disease; hunger strikes; and detainee death.

Value: 15%

Minimum Successful Performance Rating: Acceptable

FPBDS Section	Standard
(B.1)	Intake Health Screening
(B.2) (K.4)	Medical, Dental, and Mental Health Appraisals
(B.3) (K.5)	Access to Routine, Acute Chronic, and Emergency Health Services
(B.4)	Experimental Research
(B.5)	Response to Medical, Mental, and Dental Health Needs
(B.6)	Suicide Prevention
(B.7)	Detainee Hunger Strikes
(B.8)	Detainee Death
(B.9)	Informed Consent/Involuntary Treatment
(B.10)	Infectious Disease

Security and Control

Objective - Addresses the issuance of policies and procedures to staff; appropriate use of force; maintenance of daily incident logs; emergency readiness; and detainee accountability and discipline.

Value: 20%

Minimum Successful Performance Rating: Acceptable

FPBDS Section	Standard
(C.1)(K.6)	Post Orders
(C.2)	Permanent Logs
(C.3) (K.7)	Security Features
(C.4) (K.8)	Security Inspections and/or reviews
(C.5)	Control of Contraband
(C.6)	Detainee Searches
(C.7)	Detainee Accountability and Supervision
(C.8)	Use of Force
(C.9)	Non-routine Use of Restraints
(C.10)	Tool & Equipment Control
(C.11)	Weapons Control
(C.12)	Detainee Discipline
(C.13)	Supervision for Special Housing
(C.14)(K.9)	Contingency/Emergency Plan
Food Service <i>Objective</i> - Address basic sanitation procedures and the adequacy of meals provided to detainees. Value: 15% Minimum Successful Performance Rating: Acceptable	
FPBDS Section	Standard
(D.1) (K.10)	Sanitation Requirements
(D.2) (K.11)	Ensure Meals are Varied
(D.3)	Special Diets
Staff and Detainee Communication <i>Objective</i> - Address opportunities for detainees to communicate with staff; detainee grievance procedures; and the provision of diversity training. Value: 5% Minimum Successful Performance Rating: Acceptable	
FPBDS Section	Standard
(E.1) (K.12)	Staff-Detainee Communication
(E.2)	Diversity Training
(E.3)(K.13)	Detainee Grievances
Safety and Sanitation <i>Objective</i> - Addresses the adequacy of fire safety programs; the control of dangerous materials and/or hazards; air quality, noise levels, and sanitation of the facility; and the cleanliness of clothing and bedding. Value: 5% Minimum Successful Performance Rating: Acceptable	
FPBDS Section	Standard
(F.1)	Fire Safety
(F.2)	Non-Hazardous Furnishings

(F.3)	Control of Dangerous Materials
(F.4)	Environmental Control
(F.5) (K.14)	Clothing and Bedding
(F.6)	Personal Hygiene/Well-being
(F.7) (K.15)	Physical Facility and Equipment
Services and Programs <i>Objective</i> - Addresses detainee classification; religious practices; work assignments; availability of exercise opportunities; access to legal materials and legal representation; access to a telephone; visitation privileges; and the handling of detainee mail and correspondence. Value: 15% Minimum Successful Performance Rating: Acceptable	
FPBDS Section	Standard
(G.1) (K.16)	Classification, Review, and Housing
(G.2) (K.17)	Religious Practices
(G.3)	Volunteer Work Assignments
(G.4)	Work Assignments and Security
(G.5)	Exercise and Out-of-Cell Opportunities
(G.6)	Legal Materials
(G.7) (K.18)	Legal Representation
(G.8)	Telephone Access
(G.9)	Visitation Privileges
(G.10)(K.19)	Detainee Mail and Correspondence
Workforce Integrity <i>Objective</i> - Address the adequacy of the facility's hiring process and background check procedures, and the adequacy of procedures to respond to allegations of staff misconduct. Value: 2.5% Minimum Successful Performance Rating: Acceptable	
FPBDS Section	Standard
(H.1)	Staff Background and Reference Checks
(H.2)	Staff Training, Licensing, and Credentialing
(H.3)	Staff Misconduct
Detainee Discrimination <i>Objective</i> - Address the adequacy of policies and procedures designed to prevent discrimination against detainees based on gender, race, religion, national origin, or disability. Value: 2.5% Minimum Successful Performance Rating: Acceptable	
FPBDS Section	Standard
(I.1)	Discrimination Prevention

A.8 Contact for Agreement Administration

California City shall designate a person to serve as the agreement administrator for the requirement. The agreement administrator is responsible for overall compliance with agreement terms and conditions. California City designation of representatives to handle certain functions under this agreement does not relieve the agreement administrator of responsibility for agreement compliance.

Name	Tom Weil
Title	California City City Manager
Address	21000 Hacienda Avenue California City, California
Zip Code	93505
Telephone	(760) 373-7170
FAX	(760) 373-7532
E-Mail Address	<u>citymgr@californiacity.com</u>

A.9 Financial Provisions

A.9.1 Service Contract Act

This Agreement incorporates the following clause by reference, with the same force and effect as if it was given in full text. Upon request, the full text will be made available. The full text of this provision may be accessed electronically at this address:
www.arnet.gov.

Federal Acquisition Regulation Clause(s):

52.222-41 Service Contract Act of 1965, as Amended (July 2005)

52.222-42 Statement of Equivalent Rates for Federal Hires (May 1989)

52.222-43 Fair Labor Standards Act and the Service Contract Act – Price Adjustment (Multiyear and Option Contracts) (May 1989)

The current State of California City, California wage rates shall be the prevailing wages unless notified by the Federal Government.

A.9.2 Price Schedule

The Federal Government will use various price analysis techniques and procedures to ensure the per-diem rate established by this Agreement is considered a fair and reasonable price. Examples of such techniques include, but are not limited to, the following:

1. Comparison of the requested per-diem rate with the independent government estimate for detention services, otherwise known as the Core Rate;
2. Comparison with per-diem rates at other state or local facilities of similar size and economic conditions;
3. Comparison of previously proposed prices and previous Federal Government and commercial contract prices with current proposed prices for the same or similar items;
4. Evaluation of the provided jail operating expense information;

The firm-fixed per-diem rate for services is \$77.50, and shall not be subject to adjustment on the basis of California City actual cost experience in providing the service. The per-diem rate shall be fixed for a period from the effective date of the Agreement forward for 36 months. The per-diem rate covers the support of one federal detainee per "federal detainee day", which shall include the day of arrival, but not the day of departure.

After 36 months, if a rate adjustment is desired, the Local Government shall submit a request through the Electronic Intergovernmental Agreements area of the Detention Services Network (DSNetwork). All information pertaining to the jail on DSNetwork will be required before a new per-diem rate can be considered.

A.9.3 Invoice and Payment

California City shall prepare and submit for certification and payment, original and separate invoices each month to the USMS Southern District of California. To constitute a proper monthly invoice, the name and address of the facility, the name of each federal detainee, *his* specific dates of confinement, the total days to be paid, the appropriate per diem rate, and the total amount billed (total days multiplied by the rate per day) shall be listed, along with the name, title, complete address and telephone number of the official responsible for invoice preparation. The invoice shall be submitted to the COTR at the address listed below must include:

- Name and address of California City;
- Invoice date and number;
- Agreement number;

- Description, quantity, unit of measure, unit price and extended price of the services provided;
- Terms of any discount for prompt payment offered;
- Name and address of official to whom payment is to be sent;
- Name, title, and phone number of person to notify in event of defective invoice; and
- Taxpayer Identification Number; and
- Electronic funds transfer banking information in accordance with FAR 52.232-33, Payment by Electronic Funds TransferCCentral Contractor Registration.

The invoice shall be sent to:

USMS Southern District of California

Address: Edward J. Schwartz Courthouse
U.S. District Court
Southern District of CA
940 Front Street
San Diego, CA 92101-8900

The Government will make payments to California City on a monthly basis, promptly pursuant to the Prompt Payment Act after receipt of an appropriate invoice.

A.10 Modification and Disputes

Either party may initiate a request for modification to this Agreement in writing. All modifications negotiated will be effective only upon written approval of both parties.

Disputes, questions, or concerns pertaining to this Agreement will be resolved between appropriate officials of each party. Both the parties agree that they will use their best efforts to resolve the dispute in an informal fashion through consultation and communication, or other forms of non-binding alternative dispute resolution mutually acceptable to the parties.

A.11 Termination

This Agreement shall terminate after fifteen (15) calendar years or by either party upon one-hundred and eighty days (180) advanced written notice to the other party. Within 180 days of the giving, or receipt, of such notice the USMS shall retake custody of all prisoners(s) transferred to the California City under this Agreement. The City of California City agrees to consult with the USMS and OFDT at least 90-days prior to any action(s) to terminate to allow sufficient time to prepare for loss and replacement of services.

A.12 Litigation

The Federal Government shall be notified, in writing, of all litigation pertaining to this Agreement and provided copies of any pleadings filed or said litigation within 5 working days of the filing.

The Local Government shall cooperate with the Federal Government legal staff and/or the United States Attorney regarding any requests pertaining to Federal Government or Local Government litigation.

Prisoner Rape Elimination Act Reporting Information

SEXUAL ASSAULT AWARENESS

This document is requested to be posted in each Housing Unit Bulletin Board at all Contract Detention Facilities. This document may be used and adapted by Intergovernmental Service Agreement Providers.

While detained by the Department of Justice, United States Marshals Service, you have a right to be safe and free from sexual harassment and sexual assaults.

Definitions

A. Detainee-on-Detainee Sexual Abuse/Assault

One or more detainees engaging in or attempting to engage in a sexual act with another detainee or the use of **threats, intimidation, inappropriate touching** or other actions and/or communications by one or more detainees aimed at **coercing and/or pressuring** another detainee to engage in a sexual act.

B. Staff-on-Detainee Sexual Abuse/Assault

Staff member engaging in, or attempting to engage in a sexual act with any detainee or the intentional touching of a detainee's genitalia, anus, groin, breast, inner thigh, or buttocks with the intent to abuse, humiliate, harass, degrade, arouse, or gratify the sexual desires of any person. **Sexual abuse/assault of detainees by staff or other detainees is an inappropriate use of power and is prohibited by DOJ policy and the law.**

C. Staff Sexual Misconduct is:

Sexual behavior between a staff member and detainee which can include, but is not limited to indecent, profane or abusive language or gestures and inappropriate visual surveillance of detainees.

Prohibited Acts

A detainee, who engages in inappropriate sexual behavior with or directs it at others, can be charged with the following Prohibited Acts under the Detainee Disciplinary Policy.

- **Using Abusive or Obscene Language**
- **Sexual Assault**
- **Making a Sexual Proposal**
- **Indecent Exposure**
- **Engaging in Sex Act**

Detention as a Safe Environment

While you are detained, no one has the right to pressure you to engage in sexual acts or engage in unwanted sexual behavior regardless of your age, size, race, or ethnicity. Regardless of your sexual orientation, you have the right to be safe from unwanted sexual advances and acts.

Confidentiality

Information concerning the identity of a detainee victim reporting a sexual assault, and the facts of the report itself, shall be limited to those who have the need to know in order to make decisions concerning the detainee-victim's welfare and for law enforcement investigative purposes.

Report All Assaults!

If you become a victim of a sexual assault, you should report it immediately to any staff person you trust, to include housing officers, chaplains,

medical staff, supervisors or Deputy U.S. Marshals. Staff members keep the reported information confidential and only discuss it with the appropriate officials on a need to know basis. If you are not comfortable reporting the assault to staff, you have other options:

- Write a letter reporting the sexual misconduct to the person in charge or the United States Marshal. To ensure confidentiality, use special (Legal) mail procedures.
- File an Emergency Detainee Grievance - If you decide your complaint is too sensitive to file with the Officer in Charge, you can file your Grievance directly with the Field Office Director. You can get the forms from your housing unit officer, or a facility supervisor.
- Write to the Office of Inspector General (OIG), which investigates allegations of staff misconduct. The address is: Office of Inspector General, U.S. Department of Justice, 950 Pennsylvania Ave. Room 4706, Washington, DC. 20530
- Call, **at no expense to you**, the Office of Inspector General (OIG). The phone number is 1-800-869-4499.

Individuals who sexually abuse or assault detainees can only be disciplined or prosecuted if the abuse is reported.

A publication of the Office of the Federal Detention Trustee
Washington, DC

Published February 2008

EXHIBIT C



Planning Department
21000 Hacienda Blvd.
California City, CA 93505
Phone: (760) 373-7141
planning@californiacity-ca.gov

Project No.

Provided by City

SITE PLAN REVIEW (SPR) MINOR APPLICATION
(Existing Building/Business/Ownership)

1. Applicant Information

Applicant/Representative's Name: Marcelo Ariola

Mailing Address: 5501 Virginia Way, Suite 110, Brentwood, TN 37027

Phone Number: 615-445-9163

Email Address: CalCityInvoices@CoreCivic.com

Business/Company Name: CoreCivic, Inc.

Property Address / APN: 22844 Virginia Blvd., California City, CA 93505

Zoning Designation: Classification A, Type Major, Code CAC, O/RA

2. Acknowledgements

I, the undersigned, understand that any permit issued pursuant to this application does not grant any right or privilege to use any building or land contrary to the provisions of the City of California City Municipal Code. I hereby certify that the information provided in this application is, to the best of my knowledge, true and correct.

Applicant or Legal Agent (Print): Marcelo Ariola, VP Real Estate

Signature: Marcelo Ariola

Date: 08-22-25

3. Property Owner Authorization

I certify that I am the legal property owner and authorize this application. I further certify that the information provided herein is true and correct to the best of my knowledge.

Property Owner (Print): Marcelo Ariola for CoreCivic, Inc.

Signature: Marcelo Ariola

Date: 08/22/2025

Owner Mailing Address: 5501 Virginia Way, Suite 110

City: Nashville State: TN Zip: 37027

Phone Number: 615-445-9163

Email Address: Marcelo.Ariola@CoreCivic.com

FOR DEPARTMENTAL USE ONLY

Fees: *(Refer to the Master Fee Schedule)*

☐ \$ 250.00, Planning SPR Application Fee *(mandatory)* **GL 10-3218**

☐ \$ 90.00, Fire Department Inspection *(mandatory)* **GL 19-3641**

☐ \$ 150.00, Building Inspection Fee *(mandatory)*

☐ \$ _____, Other

\$ _____, **Total Fee Collected**

Application complete:

☐ Date: _____ Staff Member _____

Processing: In order to expedite this Site Plan Application and eliminate unnecessary delays, Planning staff will not accept this application unless all requirements have been met, the application form has been signed and dated, and fees have been paid.

*****In the event of errors or omissions are discovered, the application will be deemed incomplete and will be returned to the applicant for revision. *****



SITE PLAN REVIEW (SPR) MINOR CHECKLIST
(Existing Building/Business/Ownership)

*All items below must be submitted for the application to be considered complete.
Attach this checklist with application and cross out or tick the items submitted.*

A: Application Documents

1. ☐ **Completed Application Form (Signed by Applicant and Property Owner).**
2. ☐ **Current Lease Agreement or Proof of Property Control.**
3. ☐ **Copy of Business License (or Pending Application).**
4. ☐ **Aerial Photo** showing the project site and surrounding properties.
5. ☐ **Vicinity Map**
6. ☐ **Parking Summary:**
 - Total Parking Spaces: _____
 - ADA Accessible Spaces: _____
 - Bicycle Parking (if required): _____
7. ☐ **Distance from Nearest Functional Fire Hydrant:** _____ ft. (Include location map or photograph.)
8. ☐ **Business Plan** (include intended use, operating hours, and safety measures).
9. ☐ **Building Floor Plans and Site Plan Drawings (to scale).**
10. ☐ **Utility Connection Plan** (Water, Sewer, Electrical, Gas).
11. ☐ **Trash Enclosure Location and Design Details.**

B: Photographic Documents

1. ☐ **Photos of Existing Trash Enclosure / Trash Bins.**
2. ☐ **Exterior & Interior Photos of the Building:**
 - North, South, East, and West elevations.
3. ☐ **Photos of Nearby Fire Hydrants (Front & Top view).**

C: Additional Documents

1. ☐ **Landscape Plan** (if new or modified landscaping is proposed).
2. ☐ **Lighting and Security Plan** (If modified)
3. ☐ **Signage Plan** (if modified – separate Sign Permit application is required).
4. ☐ **Accessibility Compliance Statement (ADA)** (Contact Building Department at 760-373-7152)
5. ☐ **Noise Impact Details** (if applicable)
6. ☐ **Hazardous Material Handling Plan** (if applicable)

D: Inspections & Other Required Actions

1. ☐ **Kern County Health Department Approval** (Contact directly at 661-862-8791, if applicable).
2. ☐ **City Building Inspection Mandatory, \$150 Fee** (Schedule at at 760-373-7152).

3. ☐ **City Fire Inspection (Mandatory, \$90 Fee)** – Schedule at 760-373-4841.
 4. ☐ **Apply for City Business License** – City Clerk’s Office at 760-373-7140.
 5. ☐ **Apply for City Sign Permit** – 760-373-7152.
-

Processing Notice

Planning Staff will not accept incomplete applications. Submittal of this checklist with all applicable items checked and attached is required for processing. Applications deemed incomplete will be returned without processing.

Business License Application

City of California City
21000 Hacienda Blvd
California City, CA 93505

cityclerk@californiacity-ca.gov

760-373-7140



License # _____
Approved by _____
Processed by _____
Processed On _____

Name of Business

California City Correctional Facility

Business
Owner(s) Name

CoreCivic, Inc

Business Address

22844 Virginia Blvd
California City, CA 93505

Mailing
Address

PO Box 2511
California City, CA 93504

Business Phone #

(760) 491-8100

Email
Address

CalCityInvoices@corecivic.com

Nature of Business

Detention Facility/Prison

Planned Business
Begin Date

Have you had a license for this business in the past? ☒ Yes ☐ No

Do you own or rent the space ☒ Own ☐ Rent (If rent, building owner/landlord

Will the business have Annual Gross Income of \$10,000 or more? ☒ Yes ☐ No

Business Emergency Contact: Name Christopher Chestnut

Phone Number 229-315-7861

State/County Licensing Information:

Seller's Permit # 212481920-00005

ABC License #

(Required for Alcohol & Liquor Sales)

Health Certificate # 93505/RE11/EH-FDA-1

(Required for Food Services – attach copy)

Contractors:

State License #

Expiration Date

State License Type

(Required for Contractors)

Commercial Business & Fire Life Safety Inspection for Local Businesses:

Inspection

07/21/2025

Required Annually

Date

See the California City Master Fee Schedule on our website. [Click here for cost of fees.](#)

By signing below, I certify under penalty of perjury that the foregoing information is true and correct. I agree to all of the terms of the City of California City business license requirements. I comply with the relevant state and county license requirements for my business and am aware that the City of California City business license does not cover state and county license requirements for my business.

Signature

Date

08/22/2025

Printed Name

Christopher Chestnut

Clear Form

Submit

California City, CA

Facility: California City Correctional Facility
Location: California City, CA
Opened: 1999
Owned By: CoreCivic

The California City Correctional Facility is owned and operated by CoreCivic. The facility will be operating twenty-four hours a day, three hundred and sixty-five days a year, under an initial contract with the United States Marshals Service. We expect the facility to operate in the same manner it has since it was constructed in 1999.

Facility Description:

California City Correctional Facility is located in California City, California in Kern County, California. It is a 2,560 bed facility designed and built by CoreCivic and began operation in December 1999.

Capacity: 2,560
Cells or Dorms: Cells
Number of Units: 10
Campus style or all under one roof: Campus Style
Dining Hall: 2 Dining Halls
Number of recreation yards and gymnasiums: 11 Recreation Yards, 2 Gymnasiums
Medical Space: Yes
Programs Space: Yes
Visitation Space: Yes
Square Footage: Approximately 522,363

The facility's physical plant covers approximately 522,363 square feet and is fully monitored for security and fire. In all areas there are heating, ventilation and air conditioning systems.

Each cell provides access to toilets, wash basins with hot and cold running water, above-floor sleeping surfaces, clothes hooks, writing surfaces, seating, natural lighting and storage space for personal belongings. Showers are thermostatically controlled, providing hot and cold water. Adjacent to the sleeping area is a central dayroom that contains tables, chairs, televisions and telephones.

There is a centrally located library along with multipurpose rooms outside the housing units for counseling, leisure-time activities, programs, etc. There is also an administrative area that includes space for staff, conference room, employee lounge and locker rooms.

The facility has a full-size facility kitchen equipped with appliances including a walk-in freezer, cooler, food warehouse and dry storage. The facility has a centrally located health services area in the main facility with space for waiting, examination, treatment, dentistry, nurse's station, pharmacy, medical staff offices and medical segregation/observation cells.